3314.

SUPREME COURT OF THE UNITED STATES.

No. 170.

THE UNITED STATES, APPELLANTS,

vs.

JOSÉ JOAQUIN ORTEGA, FOR HIMSELF AND AS ADMINISTRATOR OF THE ESTATE OF EDWARD STOKES, DECEASED.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

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OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this tenth day of September, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of "José Joaquin Ortega et al." for the place named "Valle de Pamo" was presented and ordered to be filed and docketed with No. 332, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *October* 27*th*, 1852.

In case No. 332, "José Joaquin Ortega et al.," for the place named "Valle de Pamo," the deposition of Abel Stearns, a witness in behalf of the claimants, taken before Commissioner Hiland Hall, with documents marked H. H. No. 1 annexed thereto, was filed.

(Vide page 6 of this transcript.)

LOS ANGELES, *November* 1*st*, 1852.

In the same case, the deposition of Andres Pico, a witness in behalf of the claimants, taken before Commissioner Hiland Hall, was filed.

(Vide page 5 of this transcript.)

LOS ANGELES, *November* 10*th*, 1852.

In the same case, the deposition of S. Arguello, a witness in behalf of the claimants, taken before Commissioner Hiland Hall, with document H. H. No. 1, and translation thereof marked E, annexed thereto, was filed.

(Vide page 5 of this transcript.)

SAN FRANCISCO, *Sept.* 19*th*, 1853.

Case No. 332 was called, and on motion of the counsel for the claimants, ordered to the foot of the docket.

SAN FRANCISCO, *October* 22*d*, 1853.

In the same case, the deposition of J. J. Warner, a witness in behalf of the claimants, taken before Commissioner Thompson

Campbell, with document marked F. C. D. annexed thereto, was filed.

(Vide page 6 of this transcript.)

SAN FRANCISCO, *August 28th*, 1854.

In the same case, the deposition of John Foster, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 7 of this transcript.)

SAN FRANCISCO, *September 5th*, 1854.

Case No. 332 was submitted on briefs, and taken under advisement by the board.

In the same case, the deposition of Thomas W. Sutherland, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 9 of this transcript.)

SAN FRANCISCO, *Sept. 19th*, 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the board rejecting the claim.

(Vide page 35 of this transcript.)

And the following order was made, to wit:

(Vide page 36 of this transcript.)

Petition.

To the Board of Commissioners for ascertaining and settling the private land claims in the State of California.

Your petitioner, José Joaquin Ortega, for himself and as administrator of the estate of the late Edward Stokes, deceased, of the county of San Diego, in the State of California, respectfully represents to your honorable board, that he claims a certain tract of land called "Valle de Pamo," containing four square leagues, more or less, situated in the county of San Diego, and State aforesaid, and that he claimed the same in fee by virtue of a grant made to José Joaquin Ortega and Edward Stokes, under the authority of the Mexican government, by Manuel Micheltorena, governor of the department of California, bearing date the twenty-fifth day of November, A. D. one thousand eight hundred and forty-three, and approved by the territorial deputation, on the twenty-fifth day of June, A. D. one thousand eight hundred and forty-five.

Your petitioner further represents, that judicial possession was given to the said grantees of said tract of land on the first day of December, A. D. 1844, and the boundaries thereof designated and defined, and that they, and those claiming under them, have been in the peaceable possession thereof ever since, and that they have no knowledge of any interfering claim.

Your petitioner further presents herewith a copy of the espediente, furnished by the surveyor general, together with a translation of the same, and respectfully refers to the papers filed in the case of the application of the parties hereto, for confirmation of their title to the rancho of "Santa Ysabel," for proof of approval of the departmental assembly, as well as for proof of judicial possession, and translation of said papers; the said ranchos of Santa Ysabel and Valle de Pamo having been confirmed to the said José Joaquin Ortega and Edward Stokes, by one act of said legislature, and one certificate only having been given of the confirmation of both grants, and said parties having been put into possession of both ranchos by one and the same act.

Your petitioner prays your honorable board to take into consideration his claim to said tract of land and decree his title to be valid, and confirm the same.

And your petitioner will ever pray.

SUTHERLAND & CARR,
Atty's for Claimant.

Filed in office, Sept. 10th, 1852.

GEO. FISHER, *Sec'y.*

Recorded in record of petitions, vol. 1, pages 230 and 231.

GEO. FISHER, *Secretary.*

Deposition of Andres Pico.

LOS ANGELES, *November* 1*st*, 1852.

On this day, before Com'r Hiland Hall, came Andres Pico, a in behalf of the claimant, José Joaquin Ortega et al., petition No. 332, and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

In answer to inquiries by counsel for the claimants, the witness testified as follows:

My name is Andres Pico; my age is forty-one years, and I reside in the city of Los Angeles; I am acquainted with the land called Santa Maria, and have been ever since I was nineteen years of age; it was first occupied as a rancho by Joaquin Ortega and Stokes, in the latter part of the year 1844, or the beginning of 1845, and they have occupied it to the present time; they have occupied it with cattle, horses and sheep, have houses on it, and live on it, have corrals and fences, and cultivate it. They have also residences in San Diego, in which they reside a portion of the time.

ANDRES PICO.

Sworn and subscribed before me.

HILAND HALL, *Commissioner.*

Filed in office, No'r 1st, 1852.

GEO. FISHER, *Sec.*

Recorded in Ev. B., vol. 2, p. 188.

GEO. FISHER, *Sec.*

Deposition of S. Arguello.

LOS ANGELES, *November 10th*, 1852.

On this day, before Com'r H. Hall, came S. Arguello, a witness in behalf of the claimant, José Joaquin Ortega et al., petition No. 332, and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

In answer to inquiries by the claimant's counsel, the witness testified as follows:

My name is Santiago Arguello; my age is sixty years, and I reside in San Diego.

A paper is now shown me, purporting to be an agreement, dated 30th of May, 1843. The signatures of José Joaquin Ortega, Flr. Vicente, Pasqual Olivás, Julio Osona, and Juan Maria Murrow, appearing on said papers, and with which I am acquainted, I believe to be genuine; said paper is hereto annexed, and marked H. H. No. 1.

S. ARGUELLO.

Sworn and subscribed before me.

HILAND HALL, *Com'r.*

Filed in office Nov. 10th, 1852.

GEO. FISHER, *Sec.*

Deposition of J. J. Warner.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c.

This day, before Commissioner Thompson Campbell, came J. J. Warner, a witness in behalf of the claimant, José Joaquin Ortega et al., No. 332, who, after being duly sworn, deposed as follows:

What is your name, age, and place of residence?

My name is J. J. Warner; I am forty-five years of age, and I reside at San Diego.

Do you know the rancho Santa Maria or Valle del Pamo? and if so, state all you know in relation to its occupation by the grantees in this case.

I know said rancho; I first knew it in June, 1844; there was then a house upon it, which had been built by the grantees, and was occupied by them and their servants, as also by their families, for some time previous to their removal to Santa Isabel; the families only removed to the last named place; the servants and stock still continuing to remain at Santa Maria. The two ranchos are adjoining, and may be separated by some hills not embraced in either. The ranch is now occupied by Ortega; he lives upon it, but his family do not, having left there on account of an outbreak by the

Indians, I think 1846 or 1847, and have not yet returned, and also on account of the death of Stokes.

J. J. WARNER.

Associate law agent present.

Sworn to and subscribed before me this 22d day of October, A. D. 1853.

THOMPSON CAMPBELL, *Com'r.*

Filed in office Oct. 22d, 1853.

GEO. FISHER, *Sec.*

Recorded in Ev. B., vol. 3, page 281.

GEO. FISHER, *Sec.*

Deposition of Abel Stearns.

LOS ANGELES, *October 27th*, 1852.

On this day, before Com'r Hiland Hall, came Abel Stearns, a witness in behalf of the claimants, José Joaquin Ortega et al., petition No. 332, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to questions by counsel for the claimants, the witness testified as follows:

My name is Abel Stearns; my age is fifty-four years; and I reside in Los Angeles; I have resided in California over twenty-three years.

I am acquainted with the handwriting and signatures of Manuel Micheltorena, and Manuel Jimeno, and Pio Pico, and José M. Covarrubias; a paper is now shown me, purporting to be a grant to Joaquin Ortega and Edward Stokes, of a tract of land called del Balle de Pamo, and dated November 25th, 1843. The signatures of said Micheltorena and Jimeno, attached to said paper, I believe to be genuine; said paper is hereto annexed and marked H. H. No. 1.

A paper is now shown me, purporting to be a certificate of approval of the departmental assembly of grants of land to Joaquin Ortega and Edward Stokes, dated July 7th, 1845. The signatures of Pio Pico and José M. Covarrubias upon said paper I believe to be genuine; said paper is marked H. H. No. 2, and annexed to the deposition of Abel Stearns in case No. 339.

I am acquainted with the handwriting and signatures of Juan M. Morrow, José M. Orasco, and Santiago E. Arguello.

A paper is now shown me purporting to be proceedings, giving judicial possession of two tracts of land to the said Ortega and Stokes, in the months of November and December, 1841. The signatures of the said Morrow, Orasco, and Arguello, appearing in several places on said paper, I believe to be genuine; said paper is

Exhibit D in this case, and is marked H. H. No. 3, and annexed to the deposition of Abel Stearns in case No. 239.

ABEL STEARNS.

Sworn and subscribed before me.

HILAND HALL, *Com'r.*

Filed in office, October 27th, 1852.

GEO. FISHER, *Sec.*

Recorded in Ev. B., vol. 2, p. 158.

GEO. FISHER, *Sec.*

Deposition of John Foster.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *August 28th,* 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, John Foster, a witness on behalf of the claimants, José Joaquin Ortega et al., in case No. 332 on the docket of said board, and said witness being sworn, deposed as follows:

Questions by Sutherland, Att'y for Claimants.

1st question. What is your name, age and place of residence?

Answer. My name is John Foster; my age 38 years; my residence in Los Angeles county, California.

2d question. Are you acquainted with the rancho of Santa Maria or Pamo, in San Diego county? if yes, state how long you have known it and what you know of its boundaries.

Answer. I am acquainted with said rancho; I have known it ten years; it is bounded on the east by a valley called "Vallena;" from there it runs in a northwesterly direction over some hills known by the name of Santa Teresa, continuing the same line till it comes to a point where San Pascual is in view from the ridge of hills that forms the boundary of the valley of that name; from there it runs round the base of the mountains which form the boundary of the valley of Santa Maria, circularly to the point of beginning, (Vallena.)

3d question. What is the character of the place embraced within these boundaries?

Answer. It is what is generally called flat table-land, somewhat intersected by small hills and surrounded by mountains. It is in a circular or semi-circular form, except on the northwest line, which is more direct. It contains about 4 or 5 leagues of land.

Cross-examined by the U. S. Associate Law Agent.

1st question. Have you ever travelled over the boundaries you have described?

Answer. I have never traversed the boundaries exactly; they are

in some places inaccessible, though I have been pretty much all over the rancho.

2d question. Can you state the average width and length of said rancho?

Answer. The length from an easterly to a westerly point I should call about 9 miles; and as to the breadth, it varies; it is wider in the middle than at each end. I cannot give any satisfactory idea of the average width on account of the irregularity.

3d question. Are those natural boundaries of a certain and unmistakable character?

Answer. They are high, rocky and inaccesible mountains, with only 3 or 4 outlets from this valley.

4th question. How do you know that these are the boundaries of this claim?

Answer. I know them, not only from common report, but also from my intimacy with the owners, with whom I have often conversed about the boundaries, and also from my knowledge of the original grant, which I have seen.

JOHN FORSTER.

Subscribed and sworn to before me, this 28th day of August, A. D. 1854.

PETER LOTT, *Com'r, &c.*

Filed in office Aug. 28th, 1854.

GEO. FISHER, *Sec.*

Recorded in Ev. B., vol. 5, p. 314.

GEO. FISHER, *Sec.*

Deposition of Thos. W. Sutherland.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *Sept. 4th*, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Thomas W. Sutherland, a witness in behalf of the claimants in case No. 332, José Joaquin Ortega et al., claimants, on the docket of said board, and said witness being sworn, deposed as follows.

The U. S. associate law agent present.

Questions by T. W. Sutherland, Esq., for Claimants.

1st question. What is your name, age and residence?

Answer. My name is Thomas W. Sutherland; my age is thirty-six years; my residence San Francisco, California.

2d question. Are you acquainted the handwriting of Philip Crosthwaite? if yea, state your means of knowledge, and also whether or not he was acting clerk of the county of San Diego in

the year 1853, and look at the document now shown you, marked Exhibit 1 to dep. of Thomas W. Sutherland, P. L., and say whether his signature therein written is genuine?

Answer. I am acquainted with his handwriting, having frequently seen him write, and his signature to this document is genuine, and I know he was acting as clerk of the county of San Diego in 1853, though I was not there in October of that year, when this instrument bears date. This impression of a seal I am familiar with, and know it to be that of the county seal of said county of San Diego, and said Crosthwaite was clerk for me when I was alcalde of San Diego in 1850, and I thus became very well acquainted with his signature.

THOS. W. SUTHERLAND.

Subscribed and sworn to before me, this 4th day of Sept'r, A. D. 1854.

PETER LATT, *Com'r, &c.*

Filed in office Sept. 5th, 1854.

GEO. FISHER, *Sec.*

Recorded in Ev. B., vol. 5, p. 328.

GEO. FISHER, *Sec.*

[1 S. D. K.]

B.—*Espediente.*

Espediente promovido por Don José Joaqn. Ortega en pretencion del parage nombrado de Balle de Pamos.

325.

[2 S. D. K.]

Sello Cuarto—Dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterrey, en el departamento de las Californias para el año de mil ochocientos cuarenta y tres.

MANUEL CASTANARES.

MICHELTORENA.

Ad'a Marit'a de Mont'y.

{ Place of Eagle. }

EX'MO S'OR: José Joaqn. Ortega vecino de Sn. Diego en este departamento ante la justificacion de V. E. hago presente, que el esped'te á que me refui en mi inst'a de 18 del corriente le he conseguido y lo acompaño á V. E. para que impuesto de todo lo que en el se ha practicado se servira V. E. ver que no hay inconveniente alguno para que se me espida el titulo del terreno nombrado Pamo, gracia que espero recibir de la bondad de V. E. jurando no ser de malicia y lo necesario &a.

Monterrey, No'bre 23, de 1843.

JOSÉ JOAQN. ORTEGA.

MONTERREY, *Nov're* 22, *de* 1843.

En virtud á lo que alega nuevamente el interesado informé en vista de todo el S. Sño. del despacho sobre las condiciones, modo y circunstances en que pueda ó no, accederse.

MICHELT'A.

[3 S. D. K.]

EX'MO SOR. GOB'DOR: Por todo lo practicado en este espediente resulta que el terreno de Pamo está baldio y se le puede conceder á D. José Joaqn. Ortega pero bajo las condiciones de nó pasar de la Cañada de la Ballena, y que el parage que occupaba nombrado San José lo deje á beneficio de la mision de San Diego como asi lo pide el R. P. Mutro Oliba mas V. E. dispondrá sobre el particular otra providencia que le pareciere conveniente.

Monterrey, 22 de No'bre, de 1843.

MANUEL JIMENO.

MONTERREY, *Nov'e* 22, *de* 1843.

Espidace el titulo con las condiciones que pide el padre ministro y opina el S. Sño. devolviendo el dho. terreno que posé y cede á la mision espresandolo en el por escrito y formado.

MICHET'A.

[4 S. D. K.]

Cumpliendo con lo dispuesta por el sor. gob'dor hago presente que á pesar de no tener en mi poder ningun documento por el que se me haya concedido el terreno de San José, pero por el drecho que tengo á el tanto por la cesion que hiso á mi favor D. Pablo de la Portilla como por el tpo. de seis años que ocupo dicho terreno hago por la presente una espresa manifestacion de ceder á favor de la mision de San Diego ó del gob'n el derecho q'l tengo en el terreno mencionado sin tener en lo succesivo drho. á el en razon de haberseme dado por tal motivo el parage de Pamo. Y para la devida const'a estiendo la presente en Monterrey á 23 de Nov're de 1843.

JOSÉ JOAQN. ORTEGA.

Otrosé: El terreno de Pamo que pretendo es en union de D. Eduardo Estoc y suplico al gob'no que asi se entienda en mi peticion para que al estenderse el titulo sea á favor de los dos.

Monterrey, Nov're 23, de 1843.

[5 S. D. K.]

JOSE JOAQ'N ORTEGA.

Monterrey, 22 de Nov're, de 1843.

[6 S. D. K.]

Sello Cuarto—Dos Reales.

Habilitado provicionalmente por la aduana maritima del Puerto

[13 S. D. K.]

Sor. Prefecto del 2o Distrito:

José Joaqn. Ortega, Mejicano por nacimiento y vecino de esta municipalidad como mas halla lugar en derecho ante V. S. hace presente que teniendo un numero de ganado vacuno y caballar capaz de poderlo fomentar pa. el sosten de su crecida familia, y no teniendo un sitio en donde ponerlo, pide el Llano de Pamo perteneciente á la mision de San Diego y distantes de ella como 2 leguas, el que se halla baldio como siempre lo ha estado, dicho sitio es temporal y no de regadio como se verá en el diseño que acompaño el que consta de cuatro sitios de ganado mayor. Por tanto.

A V. S. suplico se sirva admitir esta en papel comun por falta del sellado correspond'te en este lugar, protestando no ser de malicia y lo necesario.

Puerto de San Diego, Junio 18, de 1842.

JOSÉ JOAQN. ORTEGA.

Prefectura del segundo Distrito.

S. JUAN, *Julio* 6, 1843.

De conformidad con las leyes y reglamentos de la materia informe el juez de paz de S. Diego si el parage del Llano de Pamo corresponde á alguna corporacion comunidad ó particular si esta valido; si el pretendiente tiene bienes pa. cubrirlo y demas requisitos pr. ser atendido; si esta comprendido en las 10 leguas litorales ó 20 limitrofes, con todo lo demas que le paresea conveniente á ilustran la materia y evacuado este informe, pase el espediente al P. mutro de la mision de San Diego para que produsca [14 S. D. K.] el suyo en cuanto á aquella comunidad y vuelva el esped'te á esta pref'a para los usos qe. se estimon convenientes.

ARGUELLO.

El Llano de Pamo pertenece à esta mision de Sn. Diego, es verdad que en la actualidad está valdio, pero algun dia se cubrirá, y para yo no agravar mi conciencia, advierto dos puntos: 1o. Que no se entre el interesado ni una vaca á la Cañada de la Ballena para el rumbo de S'ta Ysabel. 2o. Punto que el interesado ceda el sitio que actualm'te ocupa llamado San José á beneficio de la mision con estas dos condiciones, se le puede conceder; y si no conviene en ellas el interesado, yo tampoco puedo ceder á que se le conceda; es cuanto puedo informar y decir.

Mision de San Diego, Julio 7, de 1842.

F. VICENTE PASCUAL OLIVA.

[15 S. D. K.]

SAN DIEGO, *Agosto* 7, *de* 1842.

En cuanto el parage del Llano de Pamo es un parage baldio, que nunca se ha ocupado ni cuando tenia bienes la mision de Sn. Diego

que es á donde pertenece d'ho parage; el solicitante tiene bienes con que cubrirlo, el mencionado parage dista de la d'ha mision como doce leguas es cuanto puedo informar.

F. ANT'O GANGORA.

Ex'mo S'or: Mandados practicar los informes de estilo á consecuencia de la solicitud del vecino de San Diego Dn. Joaq'n Ortega, del Llano de Pamo se advierte que el P. Ministro de aquella mision [16 S. D. K.] informa que pertenece á ella aquel parage y demas condiciones que asienta esta prefectura no puede concebir que derecho pueda esta mision tener á un parage distante como doce leguas, y que aun en t'po que la mision (que la mision) tenia bienes no lo ocupaba, á mas q'e le queda desde la Ballena hasta S'ta Ysabel el espacio de ocho leguas que podrá ocupar, como dice algun dia el Valle de San José que actualm'te ocupa el interesado dista de la mision veinte y dos leguas, y no se por que se concidera una mision sin ningunos bienes estenderse á tanto terreno solo por que Cruza el Camino para Santa Ysabel pr. este Llano de Pamo, y como á tres leguas de distancia con el norte de Santa Ysabel, queda el Valle de San José.

Hago esta puna de aquellos sitios para conocimiento de V. E. por el que de ello tengo, y con el fin de que como el interesado es mi hermano politico V. E. en vista de este informe, y el del juez de paz de Sn. Diego se servirá resolver lo que fuese de su superior agrado.

Ang's, Agosto 12, de 1842.

S. ARGUELLO.

Here follows a map marked 17 S. D. K.

[*For map see original, page* 23.]

Office of the Surveyor General of
the United States for California.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such now having in my office and under my charge a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, do hereby certify, that the seventeen preceding and hereunto attached pages of tracing paper, numbered from one to seventeen, inclusive, and each of which is verified by my initials, (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and affixed my priate seal, (not having a seal of office) at the city of San Francisco, Cal., the 20th day of May, 1852.

[L. S.]

(Signed) SAM'L D. KING,
Sur. Gen. Cal.

Filed in office September 10th, 1852.
(Signed) GEO. FISHER, *Sec'y.*

[H. H. No. 1.]

Sello Segundo—Cuatro Pesos.

Habilitado provisionalmente por la aduana maritima del puerto de Monterrey en el departamento de las Californias, para el año de mil ochocientos cuarenta y tres.

MANUEL CASTAÑARES.

MICHELTORENA.

{ Ada. Marit'a de Mont'y [Place of Eagle.] }

Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante G'ral de la Plana Mayor del mismo, Gobernador, Comandante G'ral é Ynspector del Departamento de las Californias.

Por cuanto D. José Joaq'n Ortega, ha pretendido en union de D. Eduardo Stokes, para sus beneficios personales y el de sus familias el terreno conocido con el nombre del Balle de Pamo, colindante con Sta. Ysabel, con el pueblo de San Pascual y el Cajon de Sta. Monica, sin internarce á la Cañada de la Ballena comprendiendo en esta concecion el aguage nombrado nuevamente Sta. Teresa tomando por lindero el arroyo que forma el Rio de San Dieguito; practicadas previam'te las diligencias y averiguaciones consernientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades q'e me son conferidas á nombre de la nacion Mejicana he venido en concederle el terreno mencionado declarandoles la propiedad de el por las presentes letras, sugetandose á la aprovacion de la ex'ma asamblea departamental y á las condiciones siguientes:

1a. Podra cercarlo sin perjudicar las travecias caminos y servidumbres; lo disfrutaran libre y esclusivam'te destinando lo al uso ó cultivo que mas les combenga, pero dentro de un año frabricara casa y estara habitada.

2a. Solicitara del juez respectivo q'e les de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra á mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

3a. El terreno de que se hace donacion es de cuatro sitios de ganado mayor poco mas ó menos segun esplica el diseño que agregado corre en el espediente respectivo. El juez que diere la posecion lo hara medir conforme á ordenanza, quedando el sobrante q'e resulte á la nacion para los usos que mas les combengan.

4a. Si contraviniere á estas condiciones perdera su derecho al terreno, y sera denunciable por otros.

5a. No podra vender enagenar hipotecar v'ra.

En consecuencia mando que teniendose por firme y valedero este

titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á veinte y cinco de Noviembre, de 1843.

(Signed) MANUEL MICHELT'A.
(Signed) MANUEL JIMENO.

Queda tomado razon de este despacho en el libro respectivo á f'z.
(Signed) JIMENO.

Filed in office October 27th, 1852.
(Signed) GEO. FISHER, *Sec.*

Espediente.

Espediente at the instance of Don José Joaquin Ortega, who solicits the place named "Balle de Pamo," No. 325.

Seal Fourth—Two Reals.

Provisionally authorized by the maritime custom-house of the port of Monterey of the department of Californias, for the year 1843.
MICHELTORENA. MANUEL CASTAÑARES.

[SEAL.]

MOST EXCELLENT SIR: José Joaquin Ortega, resident of San Diego, in this department, before the well known justice of your excellency presents himself and says, that the espediente to which I referred in my petition of the 18th of the present month, which I have obtained, and which I herewith transmit to your excellency in order that, being informed of all that has been done in regard to it, your excellency may be pleased to see that there is no inconvenience in issuing to me the title of the land named Pamo, a favor which I hope to receive from the goodness of your excellency, swearing that it is not in malice, but that it is necessary, &c.

Monterey, Nov'bre 23d, 1843.

JOSÉ JOAQUIN ORTEGA.

(*In the margin.*)

MONTEREY, *Nov.* 22*d*, 1843.

In virtue of what is alleged anew by the interested party, let the señor sect'y report, in view of the whole, the conditions, the manner, and circumstances, under which it may or not be acceded.

MICHELT'A.

To his Excellency the Governor:

From what has been done in regard to this espediente, it results that the land of Pamo is vacant, and it may be granted to Don José Joaquin Ortega, but the conditions not to go beyond the gulch (cañada) de la Ballena, and that the piece which was occupied named Sn. José, which was given for the benefit of the mission of San Diego, as it was thus asked for by the Rev'd Father Minister

Oleva; but your excellency will make such other disposition in this particular as may appear convenient.

Monterey, 22d Nov., 1843.

MAN'L JIMENO.

MONTEREY, *Nov.* 22*d*, 1843.

Let the title be issued, under the conditions as asked for by the Father Minister, and as the señor secretary thinks, returning the said land, that it may be passed and ceded to the mission, expressing it by writing and signature.

MICHELTORENA.

Complying with the disposition made by the señor governor, I make known, that notwithstanding there not being in my possession any document by which it is shown that the land of San José was granted to me, but by the right which I have to it, as well by the grant which Don Pablo de la Portilla made in my favor, as by the time of six years that I have occupied said land, I make known by these presents an express manifestation of granting in favor of the mission of San Diego, or of the government, the right which I have to the land mentioned, without having in future a right to it by reason of the having been given to me for such motive the place of Pamo; and in testimony whereof, I give these presents in Monterey, on the 23d of Nov'br, 1843.

JOSÉ JOAQUIN ORTEGA.

Again: The land of Pamo, which I petition for, is in union with Dn. Eduardo Stokes, and I supplicate the government, that it is so understood, that the title may be in favor of both of us.

Monterey, Nov'br 23d, 1843.

JOSÉ JOAQUIN ORTEGA.

[SEAL.] To his Excellency the Governor:

[SEAL.]

The citizen José Joaquin Ortega, of the vicinity of San Diego, of this department, before the well known justice of your excellency presents himself and says, that it has been one year and five months since he solicited the land known as the plain of Pamo, on finding it completely valid, and without being put to any purpose, and as the espediente which was made out at my instance upon this particular matter, and passed through the customary steps, as the señor prefect of Los Angeles informed me, I have now learnt here that it cannot be found either in the possession of your excellency's predecessor, or in the office of the sec'y of the gov'nt, and as the increased number of the stock of the cattle and horses, which I have straying, from the fact of there being no fixed place for their pasturage, I pray your excellency to deign to grant me the place mentioned; and if it should appear to your excellency to

be proper to order some information to be taken, I will think you to cause a provisional license to be issued to me, subject to the result of the espèdiente, a favor which I hope to obtain from your excellency, swearing that it is not in malice, but that it is necessary.

Monterey, Nov'br 18th, 1843.

JOSÉ JOAQUIN ORTEGA.

SEÑOR GOVERNOR: Let this petition pass to the Rev'd Father Minister of San Diego, and to the judge of the proper place, that they may inform whether the land which is solicited can be conceded, so as not to do injury to the mission; and as the interested person is subjected to the result of this espediente, it appears that there is no inconvenience in extending a provisional permission, but the determination of your excellency will be the best.

MANUEL JIMENO.

Monterey, 21st Nov., 1843.

No'mbre 21st, 1843.—Inasmuch as the interested party says the land is vacant, and that it is not actually necessary for it to be occupied by the mission, and learning that the provisional permission has been granted as sought, he subjected himself to the result of the espediente; for which purpose let it be passed for the information of the Rev'd Father Minister of the mission of San Diego, who will execute it, having in view the decree of this government upon the of missions.

MICHELT'A.

Manuel Micheltorena, Brigadier General of the Mexican , Adjutant Gen'l of the General Staff of the same, Governor, Commandant General and Inspector of the Department of the Californias.

Whereas Dn. José Joaquin Ortega has made application, in union with Don Eduardo Stokes, for their personal benefit and that of their families, for the land known by the name of del Balle de Pamo, bounded by San Ysabel, by the pueblo of San Pasqual, and by the Cajon Santa Monica, without trespassing upon the glen (cañada) de la Ballena, comprehending in this concession the watering place newly named Sta. Teresa, taking for its boundary the arroyo which forms the river of San Dieguito; the steps and inquiries concerning it being previously made according the deposition made by the laws and regulations of the matter, using the faculties conferred on me, in the name of the Mexican nation, I have come to concede to him the land mentioned, declaring in him the ownership of it, by these present letters, it being subject to the approbation of the most excellent departmental assembly, and to the following conditions:

First. He may enclose it without prejudice of the crossings, roads, and servitudes; he shall enjoy freely and exclusively, destining it

to the use or cultivation which best suits him; but within one year he shall build a house, and it shall be inhabited.

Second. He shall solicit the respective judge to give him juridical possession by virtue of this despatch, by whom shall be marked the boundaries, in the limits of which he shall place, besides landmarks, some fruit trees or forest trees of some utility.

Third. The land of which donation has been made is four square leagues, a little more or less, as is shown by the map annexed to the respective espediente. The judge who shall give the possession shall cause it to be measured conformably to the ordinance, leaving the surplus which may result to the nation for its convenient uses.

Fourth. If he contravenes these conditions, he shall lose his right to the land, and it shall be denounceable by any other. Wherefore I command, that holding as firm and valid this title, entry be made of it in the proper book, and it be delivered to the interested party for his security and other ends, &c.

Given in Monterey on the 25th of Nov'r, 1843.

Señor Prefect of the 2d District:

José Joaquin Ortega, native *of* born Mexican and resident of this municipality, as he is permitted by favor, represents to your excellency, that having a number of stock of cattle and horses, and wishing to be able to augment them for the support of his increased family, not having a place to put them, he asks for the plain of Pamo, belonging to the mission of San Diego, and distant from there about two leagues, which is vacant, as it always has been. Said place is of temporal and not irrigable, as you will perceive by the design which accompanies it; the same consists of four sitios of large cattle; wherefore I beseech your excellency to admit this on common paper, for the want of corresponding seal-paper in this place, protesting that it is not in malice, but that it is necessary.

Port of San Diego, June 18th, 1842.

JOSÉ JOAQUIN ORTEGA.

(*In the margin.*)

Prefecture of the 2d District.

SAN JUAN, *July 5th*, 1842.

In conformity with laws and regulations of this matter, let the justice of the peace of S. Diego report if the place of the plain of Pamo belongs to any corporation, community or individual, whether it is vacant, whether the claimant has stock to cover it, and the other requisites necessary to be had; whether it is comprised in the ten littoral leagues, or the 20 border leagues, with all the rest that may appear proper to illustrate the matter; and having given this information, let the espediente pass to the Father Minister of the mission of S. Diego, in order that he may assert his own rights, as far as it relates to that community, and let him return the espediente to this prefecture for the uses which he may deem proper.

ARGUELLO.

The plain of Pamo belongs to this mission of San Diego; it is true that actually it is vacant, but some day it would be occupied, and that I may not conscience, I will revert to two points; first, that there is not one vara between the interested person and the cañada of Bellona, in the direction of Sta. Isabel; second point, that the interested person yields the place he occupies called San José, for the benefit of the mission, with these two conditions: it can be granted him, and if the interested person should not agree upon them, neither can I agree that it be granted to him; so far can I report and say.

Mission of S. Diego, July 7th, 1842.

FR. VICENTE PASQUAL OLIVA.

SAN DIEGO, *August 7th*, 1842.

In regard to the place of the plain of Pamo, it is a vacant place; that it has never been occupied by the mission of San Diego, not even when it had stock; to whom, then, does said place belong? The petitioner has stock, with which he can cover it. The mentioned place is distant from said mission about twelve leagues. This is all the information I can give.

JOSÉ ANTO. GONGORA.

MOST EXCELLENT SIR: The customary information commanded to be made of the petition of the resident of San Diego, Don Joaquin Ortega, of the plain of Pamo, it is perceived that the Father Minister of that mission reports that that place belongs to it, and besides the conditions agreed upon. This prefecture cannot conceive what right this mission can have to a place distant about twelve leagues, and that even at a time when the mission had stock, it did not occupy it; and besides that, there is from the Ballona to S'ta Isabel the space of eight leagues, which it could occupy.

The valley of San José, which the interested party actually occupies, is distant from the mission twenty-two leagues, and I know not how a mission without stock should claim to extend itself over so much isolated land; why it should cross the road of S'ta Isabel, by this plain of Pamo, and how at three leagues distant from the north from S'ta Isabel it should want the valley of San José.

I make the plan of those sitios, for the knowledge of your excellency, the same that I have of them, and with the end, that as the interested person is my brother officer, that your excellency, in view of this report, and that of the justice of the peace of San Diego, may be pleased to determine according to your superior pleasure.

Angeles, August 12th, 1842.

S. ARGUELLO.

Filed in office Sept. 10th, 1852.

GEO. FISHER, *Sec.*

[H. H. No. 1.]

Document H. H. No. 1, *annexed to the deposition of Santiago Arguello.*

El R'do Pe. S'r Vicente Oliva, como ministro apostolico de la mision de S. Diego y el ciud'o Joaquin Ortega del punto del mismo nombre y propietario del rancho de S. José han combenido reciprocamente y ante los testigos de asist'a que higualm'te firman el presente documento lo siguiente.

El R. P. Fr. Vicente cede á favor del S'r Ortega cuatro sitios de ganado m'or comprendidos desde los Aguagites entrada del Llano de Pamo hasta la cuesta de la Salvia tomando de este punto linea recta á la rancheria de Camupel, que dando libre toda la cañada de la Ballena á beneficio de la mision; y el enunciado Ortega en retribucion cede á la referida mision de S. Diego el valle de S. José, para que haga de el uso que le combenga y para la devida constancia y que este documento tenga el valor necesario lo firmaron los contratantes y testigos en S. Diego á veinte de Mayo de mil ochocientos cuarenta y tres.

(Signed) JOSE JOAQ'N ORTEGA.
(Signed) FR. VICENTE PASCUAL OLIVA.

Como testigos:
(Signed) JULIO OSUNA,
JUAN MA. MARRON.

Filed in office November 10th, 1852.
(Signed) GEO. FISHER, *Sec.*

E.—*Agreement.*

The Reverend Father Friar Vicente Oliva, as apostolical minister of the mission of San Diego, and the citizen Joaquin Ortega, of the port of the same name, and proprietor of the rancho of San José, have reciprocally agreed before the present witnesses, who also sign this document, as follows:

The Rev'd Father Friar Vicente cedes in favor of Sr. Ortega, four square leagues, comprised between the Aguagites, entrance of the plain of Pamo to the hill of Salvia, drawing from this point a straight line to the rancheria of Comajal, leaving free the whole of the cañada of the Bellona, for the benefit of the mission. And the above named Ortega, in retribution, cedes to the above named mission of San Diego the valley of San José, to put the same to the use most convenient to said mission; and in testimony whereof, and for the purpose of giving to this document due *face*, the contracting parties and witnesses sign the same in San Diego, the twentieth day of May, one thousand eight hundred and forty-three.

JOSÉ JOAQUIN ORTEGA,
FR. VICENTE PASQUAL OLIVA.

Como testigos: JULIO OSUNA,
JUAN MA. MARRON.

Filed in office, Sept. 10th, 1852.

GEO. FISHER, *Sec.*

Opinion of the Board, by Com'r A. Felch.

JOSÉ JOAQUIN ORTEGA
vs.
THE UNITED STATES. } No. 332.

For the place called "Valle de Pamo," in San Diego county, containing four square leagues of land.

A grant issued by Governor Manuel Micheltorena to José Joaquin Ortega, the present claimant, and one Edward Stokes, is given in evidence. The proof shows that said Stokes died in 1847, leaving a widow and children. The premises were occupied and improved by the grantees.

The present claimant alleges that he is the duly appointed administrator of his deceased co-grantee, and he solicits a confirmation of the premises to him; one undivided half in his own individual right as grantee, and the other half in his representative character as administrator.

The grant concedes to the grantees four square leagues of land, requiring judicial measurement to segregate it from the tract of land belonging to the nation, which is designated in the grant. A judicial measurement is referred to by one of the witnesses, the testimonial of which is filed in another case (Case No. 239;) the party has neglected to make this document evidence in this case; if introduced, however, it would not aid the title, for on examination it is found not to present any intelligible idea of the lands intended to be assigned under this grant. The witness Foster states what he understands to be the boundaries of the place, but whether the land he describes corresponds with that which is intended to be described in the juridical measurement, or whether the premises described by either of them are within or without the limits of the land within which the location was to be made, we are unable to ascertain.

It is very possible that, by careful preparation or by a survey, proofs may be afforded in aid of the testimonial of juridical measurement above mentioned, which may identify the land assigned under the grant; but under the evidence now before us, it is not possible to assign to the premises any proper limits, boundaries or location. For this reason, the claim must be rejected.

Rejected.

Filed in office, Sept. 19th, 1854.

GEO. FISHER, *Sec.*

Decree.

JOSÉ JOAQUIN ORTEGA vs. THE UNITED STATES. } No. 332.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be denied.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office, Sept. 19th, 1854.

GEO. FISHER, *Sec.*

And it appearing to the satisfaction of this board, that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered, that two transcripts of the proceedings, and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary; one of which transcripts shall be filed with the clerk of the United States district court for the southern judicial district of California, and the other be transmitted to the Attorney General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify that the foregoing thirty-six pages, numbered from 1 to 36, both inclusive, *to* contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office in case No. 332 on the docket of the said board, wherein "José Joaquin Ortega et al." are the claimants against the United States, for the place known by the name of "Valle de Pamo."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office) at San Francisco, California, this thirty-first day of January, A. D. 1855, and of the independence of the United States of America the seventy-ninth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Notice of Appeal.

United States District Court southern district of California.

José Joaquin Ortega et al., Appellants,
vs.
The United States, Appellees.

Notice of intention to prosecute the appeal from the decision of the Board of United States Land Commissioners.

José Joaquin Ortega, and Refugio Stokes, and Adolpho, Alfredo, and Eduardo Stokes, claimants of the rancho called "Valle de Pamo," situate in the county of San Diego, in the southern district of the State of California, hereby give notice of their intention to prosecute an appeal from the decision of the board of U. S. land commissioners appointed to ascertain and settle the private land claims in the State of California, rendered in their claim for the said land, which was presented to the said board of commissioners and by them rejected; their claim being that which is numbered on the docket of said board of commissioners No. 332, the transcript whereof as filed in the office of the clerk of the district court of the United States for the southern district of California, is numbered No. 195.

AGUSTIN OLVERA,
Attorney in fact.

Filed March 31st, 1855.

C. E. CARR, *Clerk.*

Notice of Appeal.

Office of the Attorney General of the United States,
Washington, 7th April, 1855.

José Joaquin Ortega et al.
vs.
The United States. } 332.

You will please take notice that in the above case decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 27th day of January, 1855, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

CUSHING, *Attorney General.*

Filed July 2d, 1855.

C. E. CARR, *Clerk.*
By A. H. CLARK, *Deputy.*

In the District Court of the United States for the southern district of California.

José Joaquin Ortega and Heirs of Edward Stokes
vs.
The United States.

To the clerk of the said United States District Court:

You will please take notice that the above claimants for the rancho of "Valle de Pamo," (or Santa Maria,) containing four square leagues, and situated in the county of San Diego, intend to prosecute the appeal from the decision of the board of United States land commissioners to ascertain and settle private land claims in the State of California, rejecting said claim, said claim being numbered 332 on the docket of said board, and said claim having been rejected by said board on the 19th day of September, 1854.

Yours, &c.,
THOS. W. SUTHERLAND,
Att'y for Claimants.

Filed 21st July, 1855.

C. E. CARR, *Cl'k.*
By A. H. CLARK, *Dep.*

In the clerk's office of the U. States District Court for the southern district of California.

José Joaquin Ortega and the Heirs of Edward Stokes, dec'd,
vs.
The United States.
No. 195.—Transcript 332.

You will please take notice that in the above entitled case decided by the commissioners to ascertain and settle private land claims in the State of California, decided against the claimants, and a transcript of the proceedings in which was filed in this office on the 5th of February, 1855, the appeal in the district court of the United States for the southern district of California will be prosecuted by the above named claimants.

JOSÉ JOAQUIN ORTEGA,
and the heirs of Edward Stokes, deceased.
By THOS. W. SUTHERLAND, *Att'y, &c.*

Filed Oct'r 10th, 1855.

C. E. CARR, *Cl'k.*
By J. W. ROSS, *Dep'y.*

Order to take new Testimony.

In the District Court of the United States for the southern district of California.

José Joaquin Ortega et al., Appellants,
vs.
The United States, Appellees.
Case No. 195.—Transcript 332.
"Valle de Pamo."

And now, at this day, on motion of Myron Norton, attorney for

the appellants, it is ordered by the court that either party in this case have leave to take testimony therein.

Filed Oct. 20th, 1855.

C. E. CARR, *Cl'k.*
By J. W. ROSS, *Deputy.*

Petition of Appellants.

To the honorable the United States District Court for the southern district of California.

Petition on appeal from the United States Land Commissioners.

JOSÉ JOAQUIN ORTEGA et al., Appellants, vs. THE UNITED STATES, Appellees. } Case No. 195. "Valle de Pamo."

The petition of José Joaquin Ortega, for himself, and for Refugio Ortega de Stokes, Adolfo Stokes, Alfredo Stokes, and Eduardo Stokes, heirs of Eduardo Stokes, deceased, respectfully shows to this honorable court, that on the tenth day of September, A. D. 1852, he filed a petition before the United States board of commissioners to ascertain and settle the private land claims in California, when sitting as a board, asking for a confirmation of the tract of land granted to him and the said Eduardo Stokes on the twenty-fifth day of November, A. D. 1843, by Manuel Micheltorena, governor of California, as more particularly described in the grant, record of juridical possession, and map, copies of which said originals were afterwards produced and duly proved before said commission.

That afterwards, to wit, on the 19th day of September, A. D. 1854, the said board of commissioners decided upon the validity of the petitioner's said claim, and rejected the same.

That on the fifth day of February, A. D. 1855, the transcript of the proceedings in this case before the said board of commissioners was filed in the office of the clerk of the United States district court for the southern district of California, and that a notice of the intention of claimant to prosecute an appeal from the decision of the board of commissioners in their claim for the said lands was filed in the office of said clerk on the 31st March, A. D. 1855.

The petitioner further shows, that the lands claimed are situated in the county of San Diego, and in the southern district of California.

Your petitioner prays that the transcript of the report of the said board of commissioners on the claim presented to them as aforesaid, and the documentary evidence and testimony of witnesses on which it was founded, which is filed with the clerk of this court, may be held and considered as a part of his petition; and your petitioner, appealing from the said decision of the said board of commissioners, presents this petition to the honorable the district court

for the southern district of California, being the district court of the district in which the land is situated, and they pray this honorable court to review the said decision of said board of commissioners, and to reverse it, and to confirm their title to the said lands, and decree the same to be good and valid, and for such other and further relief in the premises as shall be just and equitable.

NORTON & OLVERA,
Att'ys for Appellants.

Filed Oct. 27th, 1855.

C. E. CARR, *Cl'k.*

Answer.

In the District Court of the United States for the southern district of California.

José Joaquin Ortega et al. vs. The United States. } No. 195. Transcript 332.

The answer of Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, to the petition for review of José Joaquin Ortega and Refugio Ortega de Stokes, Adolfo Stokes, Alfredo Stokes, and Eduardo Stokes, says: That he denies all and singular each and every allegation in said petition; and respondent, for further answer, denies generally the validity of the alleged claim or title of said petitioners to the lands referred to in their said petition; and said respondent prays that the decision of the board of land commissioners may be affirmed, and the title of said claimants be decreed invalid, with costs and general relief.

P. ORD,
U. S. Dist. Att'y S. D. C.

Filed Oct. 27th, 1855.

C. E. CARR, *Cl'k.*

Deposition of Jose Jesus Moreno.

José Joaquin Ortega et al., Appellants, vs. The United States, Appellees. } No. 195.

Deposition of José Jesus Moreno, a witness on the part of the appellants, taken before Charles E. Carr, U. S. commissioner for the southern district of California, at the city of Los Angeles, October 27th, A. D. 1855, to be read in evidence on the trial of said cause. Present, P. Ord, U. S. att'y; Myron Norton, att'y for appellants. Miguel Smith was sworn as interpreter. José Jesus Moreno, being by me first duly sworn, to the questions of the attorneys for the several parties answers as follows:

Question. What is your name, age, and place of residence?

Answer. My name is José Jesus Moreno; my age forty-five years; I reside in the county of San Diego.

Question. Do you know the rancho called Santa Maria or Valle de Pamo; and if so, where is it situated?

Answer. I know the ranch; it is situated in the county of San Diego.

Question. State if said ranch has been occupied; if so, in what manner, by whom, and since what time?

Answer. It was occupied by José Joaquin Ortega and Edward Stokes with a house, cattle, horses, and sheep; a portion of the land was cultivated. These parties occupied the land before the act of judicial possession, and is still occupied by the cattle of Ortega or the widow Stokes.

Question. Did you know Edward Stokes during his lifetime?

Answer. I did.

Question. When did he die?

Answer. About the year 1846 or 1847.

Question. Did he leave a widow and children? If so, state their names.

Answer. I know that he left a widow and children. The widow's name is Refugio Ortega; the names of the children are Adolfo, Eduardo y Alfredo.

Cross-examined by the U. S. Att'y.

Question. Do you know the distance from Santa Monica to Santa Ysabel; and if yea, how far is it?

Answer. About seven leagues.

Question. How far is it from Santa Ysabel to the Volcan?

Answer. About two leagues.

Question. How far from the Volcan to San Pasqual?

Answer. About eight or nine leagues.

Question. How far is it from San Pasqual to Santa Monica?

Answer. About five or six leagues.

Question. Where is Santa Maria?

Answer. It is between San Pasqual, San Vicente, Santa Monica, and Santa Ysabel.

Question. In what direction is San Pascual from Santa Monica?

Answer. Almost north.

Question. In going *to* Santa Monica to the Volcan, in what direction do you go?

Answer. About northeast.

Question. In what direction is the Volcan from San Pascual?

Answer. Almost due east.

Question. How far is it from San Pascual to San Felipe?

Answer. About thirteen or fourteen leagues.

Question. How far is it from the Cañada de la Ballena to Santa Ysabel?

Answer. About two leagues.

Question. How far is it from Santa Ysabel to San José?

Answer. About eight miles.

Question. How far is it from the arroyo of San Diegito to the aguage of Santa Teresa?

Answer. About two miles.

JOSÉ DE J. MORENO.

Sworn to and subscribed before me this 27th day of October, A. D. 1855.

C. E. CARR, *U. S. Com'r.*

Filed Oct. 27th, 1855.

C. E. CARR, *Cl'k.*

Certified copy of translation of a document in Transcript No. 191.

MOST EXCELLENT SIR: José Joaquin Ortega and Edward Stokes, the first a Mexican by birth, and the second by naturalization, being residents of the jurisdiction of San Diego, in the department of California, come before your excellency respectfully, in due form of right, and state, that on the 18th of July last we transmitted to the superior hands of your excellency a petition, wherein, in the usual manner, we requested that you would grant to us the rancho or "parage" of Temacula, belonging to the mission of San Luis Rey, without a view at that time of bettering our interests, and that of our numerous families, that nature has placed under our protection.

We are well aware that there is now another aspirant for the same, of equal or better merit than ourselves, the justice of which we acknowledge as having appeared proper. Wherefore, we withdraw our aforementioned petition, yielding in consequence thereof in favor of the other petitioner the right of priority, and further, that it would be a question as to whether this superior government could act conformably to justice, without the aforesaid circumspection.

Keeping always in view the maintenance required of us by our domestic obligations, we request anew the kindness of heart, and correct administration, which is notoriously characteristic with your excellency, that you will give us legitimate ownership to the rancho of Santa Isabel, recognised as the mission of San Diego, with lands which has always been respected by it, consisting of "cuatro sitios de ganado mayor," a little more or less, in virtue of its being absolutely vacant, and there being no probability that the mission will cultivate it, as will be accredited by the confirmation of its "Religioso Padre Muestro," and that of the respective magistrate, that duly we accompany.

Our integrity, most excellent sir, is sufficiently clear and manifest, when we have relinquished that right that we might have had, respecting the rancho of Temacula, this being equally confirmed, equally by the genuine confession of the R. P. Mtro. of the

mission of San Diego, Mr. Vicente Oliva, very well known for his many virtues and integrity of this class of business, and for the same we are confirmed, that the departmental government, confided in the person of your excellency, will favor us with that we have petitioned for.

We therefore humbly request that your excellency will deign to declare conformably to our request, giving such orders as you should think convenient, in order that we may obtain the title and possession of the land mentioned. We request equally that you will excuse our having used common paper, there being none stamped as corresponds in this place. Swearing that we do not this from malice, but for necessary purposes.

Angeles, Oct. 8th, 1844.

JOSÉ JOAQUIN ORTEGA.

Take information from the secretary of the despatch. I have seen the foregoing, in order so that it may seem in other cases, when necessary.

Monterey, Oct. 18th, 1844.

MICHELT'A.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, hereby certify the above and foregoing to be a true and correct copy of a translation of a Spanish document, as it appears in transcript No. 191, on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, this 11th day of January, A. D. 1856.

[SEAL.]

C. E. CARR, *Clk.*

Filed, January 11th, 1856.

C. E. CARR, *Clk.*

[H. H. No. 1.]

Document annexed to the Deposition of Abel Stearns.

Sello Primero—Cuatro Pesos.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departmento de las Californias, para los años de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

MICHELTORENA.

[SEAL.]

El ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernador, Comandante General y Inspector del Departamento de las Californias.

Por cuanto el ciudadano José Joaquin Ortega, Mejicano por

nacimiento, y Don Eduardo Stokes, Mejicano por naturalizacion han pretendido pa. sus beneficios, personales y el de sus familias el terreno conocido con el nombre de Sta. Isabel y colindante con San José, en el punto del Carrecito, con el Bolcano y Tecomaca con la Ballena: practicados, previamente las diligencias y averiguaciones, concernientes segun lo dispuesto por leyes, reglamentos, usando de los facultados, que me son conferidas a nombre de la nacion Mejicano he venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras sugetandose a la aprobacion de la ex'ma asamblea departamental y bajo las condiciones siguientes:

1o. Dejaran libre las tierras de labor que actualmente ocupan los indigenas de San Diego y a mas dejaran á beneficio de la mision las ciento cincuenta vacas que facilito el S'r Ortega para la comunidad de los indigenas de la misma.

2o. No podra venderlo enagenarlo ni hipotecarlo imponer censo vinculo fianza ni otro gravamen alguno, ni aun donarlo en manero alguna.

3o. Podran cercarlo sin perjudicas las traversias caminos y servidumbres, lo disfrutaran libre y esclusivamente, destinandole al uso o cultivo que mas le acomode pero dentro de un año fabrican casa y estara habilitado.

4o. Cuando se les confirme la propiedad solicitaran del juez respectivo que les den posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondran a mas de sus mojoneras, algunos arboles frutales ó silvestres de alguna utilidad.

5o. El terreno de que se hace donacion es de cuatro sitios de ganado mayor, poco mas ó menos, segun demuestran los documentos respectivos. El juez que diere la posecion lo hara medir conforme a ordenanza que dando el sobrante que resulta a la nacion para los usos convenientes.

6o. Si contraviniere a estas condiciones perderan su derecho al terreno y sera denunciable por otro. En consecuencia mando que serviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el libro respectivo y se entregue a los interesados para su resguardo y demas fines.

Dado en Monterey a nueve de Noviembre de mil ochocientos cuarenta y cuatro.

MAN'L MICHELTORENA.

MAN'L JIMENO, *S'rio.*

Queda tomada razon de este titulo en el libros respectivo a fojas 11.

JIMEMO.

The citizen Manuel Micheltorena, Brigadier General of the Mexican army, Adjutant General of the staff of the same, Governor, Commandant General and Inspector of the Department of California.

Forasmuch that the citizen José Joaquin Ortega, a Mexican by birth, and Mr. Edward Stocks, a Mexican by naturalization, have solicited for their personal benefit, and that of their families, the land known by the name of S'ta Isabel, surrounded by San José, in the punto de Canisto, with the balance of Tocamaca, with the Ballena; the previous measures and investigations having been made according to the deposition and laws in relation to the subject, in use of the faculties conferred upon me by the Mexican nation, I have concluded to grant to them the land mentioned, declaring it to be their property by these presents, subject to the approbation of the most excellent departmental assembly, under the following conditions:

1st. They will leave free the land laboring, actually occupied by the natives of San Diego; and further, they will leave for the benefit of the mission the one hundred and fifty head of cattle that M. Ortega facilitates to the Indians of the same, and the community.

2d. They can neither sell nor alienate it, nor hypothecate it, nor impose upon it any rent, charge, (censo,) reversion, entail or other burden whatsoever.

3d. They can enclose it without prejudice to the crossings, roads and servitudes, enjoy it freely and exclusively, destining it to the use or cultivation most agreeable to them, but within a year they must build a house, which shall be inhabited.

4th. When the ownership is confirmed to them they will request the respective magistrate to place them in judicial possession thereof, by virtue of this despatch, for which purpose they will mark the lines, in the limits of which they will place, besides the landmarks, some fruit or wild trees of some utility.

5th. The land of which donation is made consists of four "sitios de ganado mayo," a little more or less, according to the demonstration in the respective documents.

The magistrate who will place them in possession thereof will have it measured conformably with the ordinance, leaving the surplus that results to the nation for its convenient uses.

6th. If they shall contravene these conditions, they shall lose their right to the land, and it will be denounceable by another.

In consequence, I command that these presents shall serve as a title, and holding them as firm and valid, that a record thereof be made in the respective book, and that they be delivered to the party interested, for his security and other ends.

Given in Monterey on the ninth day of November, in the year one thousand eight hundred and forty-four.

MANUEL MICHELTORENA.

MANUEL JIMENO, *Secretary.*

Record is made of this grant in the respective book of grants, on page 11. JIMENO.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, hereby certify the above and foregoing to be a true and correct copy of a document contained in transcript No. 191, (José Joaquin Ortega et al. against the United States,) and a translation of same as it appears in said transcript on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, this 10th day of January, A. D. 1858. [L. S.]

C. E. CARR, *Cl'k.*

Filed January 11th, 1856.

C. E. CARR, *Cl'k.*

Certified copy of Judicial Possession in case No. 191, *with translation.*

En el pueblo de San Diego, a los 29 dias del mes de No'bre, del año de mil ochocientos cuarenta y cuatro, anuento a la solicitad de los C. C. José Joaquin Ortega, y Eduardo Estoc, vecinos de esta municipalidad, a fin de darseles la correspondiente posecion de los dos sitios Santa Ysabel, y el zamo de Pamo, consedidos pr. el gobierno de esta departamento cuyo titulo acompaño en su solicitud pase con los testigos de asistencia al espresado sitio y prosedo a dar la posecion indecada previa citacion de colindantes, arreglandose al repetido titulo q'e se lea confiado pr. el ex'mo s'or gobernador Dn. Manuel Micheltorena con f'ha de nueve de Nov'bre, de 1844.

El C. Juan Ma. Marron, juez de la instancia de esta demarcacion, asi la provia, mande y firme ante los testigos espresados de asistencia con quienes actuo por receptoria, en este papel comun pr. falta del sellado, correspondiente segun dtho. doy feé.

JUAN M. MARRON.

D. A., JOSÉ MA. OROSCO,
D. A., SANTIAGO E. ARGUELLO.

En el citio de Sta. Isabel a 1o de D'bre de mil ochocientos cuarenta y cuatro yo el mismo juez pa. la practica de estas diligencias nombre 3 oficiales cordeleras, a quienes hise saber su nombram'to el q'e aceptaron bajo juram'to q'e octorgaron, afreciendo desempeñar fielm'te su encargo, loq'e autorizo y firmo con los testigos de asistencia segun derecho.

JUAN M. MARRON.

D. A., JOSÉ MA. OROSCO,
D. A., SANTIAGO E. ARGUELLO.

En el mismo mes dia y año estando en el parage de Sta. Ysabel a efecto de verificar las medidas y posecion á Dn. José Joaquin Ortega, del sitio nombrado Sta. Isabel previos todos los requisitos de ley y estando ante mi los testigos de asistencia y cordeleros hise medir un cordel que contenia cien varas, y a los estremos unos sancos de madera previa observancia y calen lo pr. mi disposicion seturo el cordel desde el Balcon, arriba en el portesuelo rumbo p'a San Felipe p'a la parte del oeste se medieron cuatro leguas de cabecera hasta el punto de Tecomaca antes de bajar a las huertas de los Yndios gentiles p'a el rumbo del este demarcando una cruz en un ensillo alfrente de una rancheria q'e le contiene pr. lindero y en seguida se medio de norte punto del carriso hasta la cuesta de la Sabria rumbo al sur, cuatro leguas y dos mil varas Segui dam'to en el mismo anto prosede a las medidas desde la mencionada cuesta de la Salvia que es perteneciente a Sta. Maria de Pamo de d'ho punto rumbo al norte hasta el Ojo de agua del durasnite al surdos leguas, tres mil siete cientos varas p'a la parte del Cajon rumbo oeste hasta el delusaden p'a la parte de San Pascual rumbo al este se modieron de travesia dos leguas tres cientos varas las que se remetaron, en dicho punto, en donde mande se figara una mojonera que es colindante con el pueblo de Sta. Pascual y no habiendo manifestado objeccion alguna que suspendiera las medidas fueron concludas las medidas del rancho de Sta. Isabel y las de Sta. Maria de Pamo, a satisfaccion del interesado el cual ordene pusiere las respectivas mojoneras en las puntos correspondientes y quedo entendido habiendo marcado, aquellas en señal de posecion la q'e autorizo y firmo con los testigos de asistencia, segun d'ho doy fé.

JUAN M. MARRON.

JOSÉ JOAQUIN OROSCO,
D. A., SANTIAGO E. ARGUELLO.

En d'ho dia mes y año habiendose concluida las diligencias de este espediente perteneciente al rancho de Sta. Isabel y de Pamo desele testimonio a Dn. José Joaquin Ortega interesado en ellas pa. su seguridad y usas, qe. le conbengan. El Co. Juan Ma. Marron, juez de 1o instancia de esta demarcacion asi lo prose yo y firmo con los testigos de asistencia segun dererecho doy fé.

JUAN MA. MARRON.

D. A., JOSÉ MA OROSCO,
D. A., SANTIAGO E. ESTUDILLO.

En el mismo dia, mes y año quedo librado arlos interesados el testimonio qe. se refiere en el anto anterior y para constancia lo rubrique.

Filed in office, Sept. 8th, 1852.

GEO. FISHER, *Secretary*.

[REC. CLXX, D. T., 1858.]—5

E.—*Translation of Juridical Possession.*

Act of judicial possession, in favor of the citizens Dn. José Joaquin Ortega and Eduardo Estoc, for the ranches of Santa Isabel and the plains of Pamo.

In the village of San Diego, on the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and forty-four, in attention to the solicitude of the citizens José Joaquin Ortega and Eduardo Estoc, residents of this municipality, with the object of giving them the corresponding possession of the two places, Santa Isabel and the Llano of Pamo, conceded by the government of this department, which title I accompany in his solicitude, I went with the witnesses of assistance to the above mentioned place, and proceeded to give the possession indicated, previous notice having been given to those whose land bounded upon that in question, subjecting myself to the repeated title that has been confided to him by his excellency the governor, Manuel Micheltorena, with date nineteenth November, A. D. 1844.

The citizen Juan Maria Marron, judge of first instance of this demarcation, thus I provided, commanded and signed before the above mentioned witnesses of assistance, with whom I performed this judicial act as preceptor, on this common paper, for want of the corresponding seal paper according to the law, which I certify.

JUAN MA. MARRON.

Assistance, JOSÉ MA. OROSCO,
Assistance, SANTIAGO E. ARGUELLO.

In the place called Santa Isabel, on the first day of December, in the year of our Lord one thousand eight hundred and forty-four, I the same judge for the practicing of these proceedings, I named two official cord-bearers, whom I notified of their appointment, and under oath they accepted of the employment, offering to discharge their duties faithfully, which I authorized, and sign with the witnesses of assistance according to law.

JUAN MA. MARRON.

Assistance, JOSÉ MA. OROSCO,
Assistance, SANTIAGO E. ARGUELLO.

On the same day, month and year, being at the place of Santa Isabel, with the object of verifying the measurements and possession to Don José Joaquin Ortega, of the place called Santa Isabel, previously attended to all the requisites of law, and present before me the witnesses of assistance and cord-bearers, I caused to be measured a cord one hundred varas in length, to the ends of which were fastened two wooden stakes; and after previous observation and calculation, by my disposition, the cord was extended from the volcano above, in the door or gap, direction towards San Felipe; westerly there were measured four leagues as a head

line to the point of Tecomaca, before coming down to the doors of the Gentile Indians, in the direction east, making a cross on an oak tree in front of a hut or rancheria, which is considered the boundary; and consecutively there were measured from the north point of the common reed grass to the declivity of sage south, four leagues and two thousand varas.

In continuation, and at the same time, I proceeded to the measurement from the above mentioned declivity of sage, which belongs to Santa Maria de Pamos, from said point, direction to the north to the spring of water, Peach Spring; thence south two leagues three thousand seven hundred varas; upon the side of the deep ravine, (or cajon) westerly to the place where you begin to see the part of San Pascual, direction east, were measured in a transverse direction two leagues and three hundred varas, which closed and ended in said point, where I commanded to be placed a landmark, which bounds with the village of San Pascual; and no objection having been manifested that the measurement should be suspended, the admeasurement of the rancho of Santa Ysabel was concluded, as well as that of Santa Maria de Pamo, to the satisfaction of the party, and to the which I ordered the respective landmarks to be placed in the corresponding points; he understood it, I having marked them in sign of possession, which I authorize and sign with the witnesses of assistance, according to law, which I certify.

JUAN MA. MARROW.

Assistance, JOSÉ MA. OROSCO.
Assistance, SANTIAGO E. ARGUELLO.

On the same day, month and year, having concluded the proceedings of this espediente, which relate to Santa Ysabel and Pamo, let testimony be given to Don José Joaquin Ortega, the party interested in them, for his safety, and the uses to which to them may seem proper.

The citizen Juan Ma. Marrow, judge of first instance of this demarcation, thus he decreed and signed, with the witnesses of assistance, according to law, which I certify.

JUAN MA. MARROW.

Assistance, JOSÉ MA. OROSCO.
Assistance, SANTIAGO E. ARGUELLO.

On the same day, month and year, was extended to the parties interested the testimony which is mentioned in the anterior decree, and for constancy I sign with my scroll.

(Scroll.)

Filed in office Sept. 8th, 1852.

GEO. FISHER, *Sec'y.*

I, Charles E. Carr, cl'k of the district court of the United States for the southern district of California, hereby certify the above and

foregoing to be a true and correct copy of a document contained in transcript No. 191, (José Joaquin Ortega et al. against the United States,) and a translation of same, as it appears in said transcript on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the [L. S.] seal of said court, at Los Angeles, this 10th day of January, A. D. 1856.

C. E. CARR, *Cl'k.*

Filed Jan'y 11th, 1856.

C. E. CARR, *Cl'k.*

[2 S. D. K.]

Certified copy of Document in Transcript No. 191.

Ex'mo S'or: José Joaq'n Ortega y Eduardo Stock, el primero Mejicano por nacimiento, y el segundo por naturalizacion, vecinos de la jurisdicion de San Diego, en este departamento de California, ante V. E. respetuosamente en la mejor forma y como mas haya lugar en derecho decimos: Que con f'ha 18 de Junio ultimo elevamos á la supreriores manos de V. E. una solicitud en la que con los requisitos de estilo suplicamos el que se nos concediese el rancho ó parage de Temecala perteneciente a la mision de San Luis Rey pr. combenir en aquella vez a las mejoras de nuestros intereces y sosten de las numerosas familias que la naturaleza tiene bajo nuestra fedula. Sabedores hoy que hay otro pretendiente de higuales o mayores meritos que los nuestros cuya justicia reconocemos, nos ha parecido conveniente retirar nuestra instancia indicada cediendo por consiguiente en favor del otro solicitante el derecho de antiguedad y demas que fuese cuestionab'e para que ese gobierno superior sin el miramiento citado obre conforme le paresca de justicia. Teniendose siempre presente la mansencion tacita que nos demandan nuestros obligacio domesticas. Nuevamente solicitamos de la benignidad y recta administracion que naturalmente caracterisa a V. E. el que se nos conceda de ligitima propiedad el rancho de Sta. Ysabel, que reconoce a la de la mision de San Diego, con los terrenos que pa de el siempre se han respesado constantes de cuatro sitios de ganado mayor poco mas ó menos en concepto de hallarce absolutam'te valdio y sin probabilidad de que la mision pueda cultivarlo en lo adelante como lo acredita el informe de su R. P. Ministro, y del juez respetivo que devidamente acompañamos.

Nuestra integridad Ex'mo S'or es bastante clara y manifiesta cuando nos hemos desprendido del derecho que podia tocarnos con respecto al rancho de Temecula confirmaba igualmente con la confesion genuina del R. P. Ministro de la mision de San Diego F'co Vicente Oliva, muy conocido por sus virtudes y é integridad en esta clace de negocios y por lo mismo no vacilamos en que el gobierno departamental confiado a la persona de V. E. nos agraciara con lo que dejamos solicitado.

Por tanto a V. E. rendidamente suplicamos se digne decretar de conformidad con nuestro pedido dando las ordenes que crea convenientes para que obtengamos el titulo posecion del repetido terreno. Suplicamos higualmente que se nos dispense el uso del papel comun por no haber en el lugar del sellado que corresponde. Turamos no ser de malicia y lo necesaria, &c.

Angel, Octubre 8, de 1844.

JOSÉ JOAQ'N ORTEGA.

MONTEREY, *Octubre* 18, *de* 1844.

Ynforme el S. S'rio del despacho vistos los informes a no ser que pase.

MICHELT'A.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, hereby certify the above and foregoing to be a true and correct copy of a document, as it appears in transcript No. 191, on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, this 11th day of January, A. D. 1856.

[SEAL.]

C. E. CARR, *Cl'k.*

Filed Jan'y 11th, 1856.

C. E. CARR, *Cl'k.*

[11 S. D. K.]

EXMO. SOR: José Joaquin Ortega y Eduardo Stokes vecimos de la demarcacion de San Diego ante V. E. en la mas bastante forma y como mas haya lugar en derecho comparecemos y decimos que teniendo concedido por el superior govierno del departamento los parages de S'ta Ysabel y Valle de Pamo adjuntamos los titulos de dichos parages para que en vista de V. E. se debe á la exma. junta departamental haber sitiene á bien aprobarlos como requisito indispensable, y para mas seguridad de nuestros intereses. Por tanto. A. V. E. suplicamos haga como pedimos en lo que recibimos gracia, juramos no ser de malicia y lo necesario, &c. Sirviendose admitir la presente en papel comun por falta del sellado respectivo.

Angeles, Junio 20, de 1845.

JOSÉ JOAQUIN ORTEGA.
EDUARDO STOKES.

[12 S. D. K.]

Dado cuenta a la exma. asamblea la secion de hoy con esta se mando pasar á la comision de terrenos valdios acompanando los espedientes respectivos.

PIO PICO, *Presid'te.*

AGUSTIN OLVERA, *S'rio.*

foregoing to be a true and correct copy of a document contained in transcript No. 191, (José Joaquin Ortega et al. against the United States,) and a translation of same, as it appears in said transcript on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the [L. S.] seal of said court, at Los Angeles, this 10th day of January, A. D. 1856.

C. E. CARR, *Cl'k.*

Filed Jan'y 11th, 1856.

C. E. CARR, *Cl'k.*

[2 S. D. K.]

Certified copy of Document in Transcript No. 191.

Ex'mo S'or: José Joaq'n Ortega y Eduardo Stock, el primero Mejicano por nacimiento, y el segundo por naturalizacion, vecinos de la jurisdicion de San Diego, en este departamento de California, ante V. E. respetuosamente en la mejor forma y como mas haya lugar en derecho decimos: Que con f'ha 18 de Junio ultimo elevamos á la suprerriores manos de V. E. una solicitud en la que con los requisitos de estilo suplicamos el que se nos concediese el rancho ó parage de Temecala perteneciente a la mision de San Luis Rey pr. combenir en aquella vez a las mejoras de nuestros intereces y sosten de las numerosas familias que la naturaleza tiene bajo nuestra fedula. Sabedores hoy que hay otro pretendiente de higuales o mayores meritos que los nuestros cuya justicia reconocemos, nos ha parecido conveniente retirar nuestra instancia indicada cediendo por consiguiente en favor del otro solicitante el derecho de antiguedad y demas que fuese cuestionab'e para que ese gobierno superior sin el miramiento citado obre conforme le paresca de justicia. Teniendose siempre presente la mansencion tacita que nos demandan nuestros obligacio domesticas. Nuevamente solicitamos de la benignidad y recta administracion que naturalmente caracterisa a V. E. el que se nos conceda de ligitima propiedad el rancho de Sta. Ysabel, que reconoce a la de la mision de San Diego, con los terrenos que pa de el siempre se han respesado constantes de cuatro sitios de ganado mayor poco mas ó menos en concepto de hallarce absolutam'te valdio y sin probabilidad de que la mision pueda cultivarlo en lo adelante como lo acredita el informe de su R. P. Ministro, y del juez respetivo que devidamente acompañamos.

Nuestra integridad Ex'mo S'or es bastante clara y manifiesta cuando nos hemos desprendido del derecho que podia tocarnos con respecto al rancho de Temecula confirmaba igualmente con la confesion genuina del R. P. Ministro de la mision de San Diego F'co Vicente Oliva, muy conocido por sus virtudes y é integridad en esta clace de negocios y por lo mismo no vacilamos en que el gobierno departamental confiado a la persona de V. E. nos agraciara con lo que dejamos solicitado.

Por tanto a V. E. rendidamente suplicamos se digne decretar de conformidad con nuestro pedido dando las ordenes que crea convenientes para que obtengamos el titulo posecion del repetido terreno. Suplicamos higualmente que se nos dispense el uso del papel comun por no haber en el lugar del sellado que corresponde. Turamos no ser de malicia y lo necesaria, &c.

Angel, Octubre 8, de 1844.

JOSÉ JOAQ'N ORTEGA.

MONTEREY, *Octubre* 18, *de* 1844.

Ynforme el S. S'rio del despacho vistos los informes a no ser que pase.

MICHELT'A.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, hereby certify the above and foregoing to be a true and correct copy of a document, as it appears in transcript No. 191, on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, this 11th day of January, A. D. 1856.

[SEAL.]

C. E. CARR, *Cl'k.*

Filed Jan'y 11th, 1856.

C. E. CARR, *Cl'k.*

[11 S. D. K.]

EXMO. SOR: José Joaquin Ortega y Eduardo Stokes vecimos de la demarcacion de San Diego ante V. E. en la mas bastante forma y como mas haya lugar en derecho comparecemos y decimos que teniendo concedido por el superior govierno del departamento los parages de S'ta Ysabel y Valle de Pamo adjuntamos los titulos de dichos parages para que en vista de V. E. se debe á la exma. junta departamental haber sitiene á bien aprobarlos como requisito indispensable, y para mas seguridad de nuestros intereses. Por tanto. A. V. E. suplicamos haga como pedimos en lo que recibimos gracia, juramos no ser de malicia y lo necesario, &c. Sirviendose admitir la presente en papel comun por falta del sellado respectivo.

Angeles, Junio 20, de 1845.

JOSÉ JOAQUIN ORTEGA.
EDUARDO STOKES.

[12 S. D. K.]

Dado cuenta a la exma. asamblea la secion de hoy con esta se mando pasar á la comision de terrenos valdios acompanando los espedientes respectivos.

PIO PICO, *Presid'te.*

AGUSTIN OLVERA, *S'rio.*

[13 S. D. K.]

La comision de terrenos valdios se ha impuesto con el detenimiento necesario los espedientes promovidos á consecuencia de las solicitudes hechas por los ciudadanos Mejicanos por nacimiento José Joaquin Ortega y por naturalizacion Eduardo Stokes en pretencion de los parages conocido con los nombres de Valle de Pamo y S'ta Ysabel los cuales se les concedieron por el superior gobierno del departamento en titulos librados el 1o con f'ha 5 de Noviembre de mil ochocientos cuarenta y tres y el 2o con la de 9 de N'bre, 1844, y resultando del esamen equitado para la comision que las espresadas concesiones fueron hechas á virtud de lo que sobre lo particular disponen las leyes esta sugeta á la deliveracion de V. E. la siguiente proposicion.

Sea prueba las conceciones hechas en favor de los ciudadanos Mejicanos p'r nacimiento José Joaquin Ortega y p'r naturalizacion Eduardo Stokes de los parages nombrados Valle de Pamo y S'ta Ysabel concedidos en propiedad por el superior gobierno departamental en titulos librados el 1o con f'ha de No'bre, de 1843, y el 2o con la de 9 de No'bre, 1844, y ambos concesiones en estencion de ocho sitios de ganado mayor componiendose cada uno de cuatro sitios de entera conformidad con la ley de 18 de Agosto, de 1824, y el articulo 5 del reglamento 21 de No'bre, de 1828.

Sala de comisiones en la ciudad de Los Angeles, Junio 23, de 1845.

YGNACIO DEL VALLE.
FRAN'CO DE LA GUERRA.

ANGELES, *Junio* 25, *de* 1845.

En sesion de este dia se aprobo por la exma. asamblea departamental la proposicion del dictamen antecedente mandando se devuelva los espedientes originales al exmo. s'or gobernador para los fines que corresponde.

PIO PICO, *Presidente.*

AGUSTIN OLVERA.

En Julio '45, se les estendio á los interesados el correspondiente comprobante del acuerdo de 25 de Junio que antecede.

COVARRUBIAS, *S'rio.*

MOST EXCELLENT SIR: José Joaquin Ortega and Edward Stokes, residents of the confines of San Diego, come before your excellency in due form and right and appear and say:

That they have granted to them, by the superior departmental government, the places called Santa Isabel y Valle de Pamo. Accompanying this is the title to said parages, so that at sight your excellency may transmit it to the most excellent departmental junta, should they think well of approving of the same, as is indispensably requisite, and for the better security of our interests.

Wherefore we supplicate, that your excellency will do as we request, whereby we shall receive a favor, swearing at the same time that no malicious purpose prompts this but the necessary purpose. Also admitting this on common paper, there being no stamped as corresponds.

EDUARDO STOKES,
JOSÉ JOAQUIN ORTEGA.

ANGELES, *June 25th*, 1845.

Information was taken of the most excellent assembly at its session of this day, to which they ordered that the respective accompanying espedientes should be transmitted to the commission on vacant lands.

PIO PICO, *Presidente.*

AGUSTIN OLVERA, *S'rio.*

MOST EXCELLENT SIR: The commission of vacant lands have informed themselves, with all that is necessary in relation to the espedientes, *aspired* K, in consequence of the requisites made by the Mexican citizens, by birth José Joaquin Ortega, and by naturalization Edward Stokes, having pretension for the parages known by the names of Valle del Pamo *by* Santa Isabel, which was granted to them by the superior departmental government, in titles given them, the first dated the fifth of November, 1843, and the second on the 9th November, 1844, and the result of the equitable examination by the commission was this, that the forementioned grants, now made in virtue of the particular disposition of the laws, and to which we subject to the deliberation of your excellency the following proposition.

They approve of the grants made in favor of the Mexican citizens, by birth Joaquin Ortega, and by naturalization Edward Stokes, of the place called Valle del Pamo and Sta. Isabel, granted in person by the superior departmental government, the first title having been given, dated the 5th November, 1843, and the 2d on the 9th November, 1844, and both grants comprise eight sitios de ganado mayor, comprising four sitios in each, the same having been done in exact conformity with the law of August 18th, 1824, and the fifth article of the regulation of the 21st of November, 1828.

Commissioners' room in the city of Los Angeles, June 23d, 1845.

FRANCISCO DE LA GUERRA.

IGNACIO DEL VALLE.

ANGELES, *June 25th*, 1845.

At a session of this day, the most excellent departmental assembly approved of the proposition of the foregoing opinion, or decreeing that the original patent should be delivered to the most excellent s'or governor, for the ends that correspond.

PIO PICO, *Presidente.*

AGUSTIN OLVERA, *Secr'y.*

On July .'45, the corresponding title was delivered to the parties interested, approved of in accordance with the decree of June 25th, as above.

COVARRUBIAS, *Sec'y.*

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, hereby certify the above and foregoing to be a true and correct copy of a document and its translation as they appear in transcript No. 191, (José Joaquin Ortega et al. against the United States,) on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, this 10th day of January, A. D. 1856.

[SEAL.]

C. E. CARR, *Cl'k.*

Filed Jan'y 11th, 1856.

C. E. CARR, *Cl'k.*

Deposition of Agustin Olvera.

J. J. OETEGA et al., Applts., vs. THE UNITED STATES, Applees. } No. 195.

Testimony of Agustin Olvera, a witness for appellants, taken in open court this 11th day of January, A. D. 1856, on the trial of the above entitled cause.

Wm. G. Dryden sworn as interpreter.

Agustin Olvera being duly sworn, deposes and says:

Question. What is your name, age, and place of residence?

Answer. My name is Agustin Olvera; my age 35 years; and residence in Los Angeles.

Question. Did you know Eduardo Stokes, and do you know his widow and children, and José Joaquin Ortega, the claimants in this case?

Answer. I did know Stokes; I know his widow and children, also José Joaquin Ortega, claimants in this case.

Question. Are you an attorney of this court?

Answer. I am.

Question. Have you examined the transcript of the proceedings before U. S. land commissioners, now on file in the office of the clerk of this court, and numbered on the docket of cases of this court No. 191; and if so, state whether or not the parties claimants and appellants in said case, No. 191, are the same parties who are the above claimants and appellants in this case now on trial; and whether or not the Edward Stokes mentioned in said case No. 191, as one of the grantees in that case, is the same Edward Stokes mentioned as one of the grantees in the case now on trial?

Answer. I have examined the transcript in case No. 191, from the U. S. land commission, and now on file in office of the clerk of

this court. The claimants and appellants in case No. 191 are the same parties who are claimants and appellants in the case now on trial. I know the fact of my own knowledge, independent of the transcript. The Edward Stokes mentioned as one of the grantees in case No. 191, is the same Edward Stokes mentioned as one of the grantees in the case now on trial.

AGUSTIN OLVERA.

Sworn to and subscribed, this 11th day of Jan'y, 1856, before me.

C. E. CARR, *Cl'k.*

Filed Jan'y 11th, 1856.

C. E. CARR, *Cl'k.*

Deposition of Juan Baudini.

J. J. ORTEGA et al., Applts., vs. THE UNITED STATES, Applees. } No. 195.

Testimony of Juan Baudini, a witness on the part of the appellants, taken in open court, Jan'y 11th, 1856, on the trial of the above entitled cause.

Wm. G. Dryden sworn as interpreter.

Juan Baudini being duly sworn, deposes and says:

Ques. What is your name, age, and place of residence?

Ans. My name is Juan Baudini; I am 55 years of age; my residence in the county of San Diego.

Ques. Did you know Edward Stokes in his lifetime; and when did he die?

Ans. I did. I think he died in 1847 or '8, but I am not certain.

Ques. Was it not at the time Commodore Stockton's forces were in San Diego?

Ans. I think it must have been a little while after, for Stokes himself had joined Commodore Stockton's forces, and also accompanied Gen. Kearney when he came into California, and was in the action of San Pascual.

Ques. Previous to the arrival of Commodore Stockton and General Kearney, where did Stokes reside?

Ans. He resided in San Diego.

Ques. Do you know the rancho in San Diego county called Santa Maria, or Valle de Pamo?

Ans. I know it by the name of Santa Maria.

Ques. Did Stokes and Ortega, or either of | at any time reside on said ranch; and if so, at what time?

Ans. Stokes generally resided on this ranch with his family before his death. Stokes resided on the ranch from the time of the concession until after 1846.

Ques. Do you know whether or not Stokes died very suddenly?

Ans. You may almost say suddenly; he was attacked with apoplexy, and died suddenly.

Ques. Whom did Stokes marry?

Ans. He married Refugio Ortega, a native of California, and daughter of José Joaquin Ortega, also a native of California.

Ques. State how many children they had by that marriage, and their names, and if the widow and children are still living?

Ans. They had three children, named Adolfo, Alfredo and Eduardo; the mother and children are yet living.

Cross-examined by the U. S. Att'y.

Ques. What part of the county of San Diego is the rancho of Santa Maria situated?

Ans. Northwest of the pueblo of San Diego, between 8 and 10 leagues from said pueblo; I have never been on the land, but I know its situation.

Ques. Do you know the rancho of Santa Ysabel, in county of San Diego; and if yea, how far is it from said rancho of Santa Maria to Santa Ysabel?

Ans. I never was on it, but I know it, and think the distance between the two ranchos about four or five leagues.

Ques. Do you know the pueblo or place of San Pascual, in San Diego county; and if yea, how far is it from said San Pascual to said rancho of Santa Maria?

Ans. I know it; the distance between the two ranchos I don't know—perhaps about three leagues.

Ques. Do you or not know that Edward Stokes, one of the alleged original grantees in this case, was a foreigner by birth?

Answer. He was a foreigner by birth.

JUAN BAUDINI.

Sworn to and subscribed, this 11th day of Jan'y, 1856, before me. C. E. CARR, *Cl'k.*

Filed Jan'y 11th, 1856.

C. E. CARR, *Cl'k.*

Motion for New Trial and Affidavit.

In the District Court of the United States for the southern district of California.

José Joaquin Ortega et al., Appellants, vs. The United States, Appellees. } Case 195.

And now, at this day, come the said appellants, and move for a new trial in the above entitled cause, which said motion is based upon the annexed affidavit.

STATE OF CALIFORNIA,
Los Angeles County, Feb'y 5th, 1856.

Personally appeared before me, W. C. Ferrell, who being duly sworn, says that he is interested in the ranch of Valle de Pamo, located in the county of San Diego, which said ranch was rejected by the honorable the United States district court of the southern district of the State of California, for want of sufficient testimony to locate the boundaries thereof; and he further deposes, that sufficient proof does exist and can readily be obtained to locate the proper boundaries of the said ranch, and that he had reason to believe, and did believe, that such testimony had been produced by other parties interested in the ranch of Valle de Pamo, and was in the possession of the court.

W. C. FERRELL.

Sworn to and subscribed before me, this 5th day of February, 1856.

C. E. CARR, *Cl'k.*

Filed Feb'y 5th, 1856.

C. E. CARR, *Cl'k.*

Deposition of J. J. Warner.

J. J. ORTEGA, Applt.,
vs.
THE UNITED STATES, Applees. } No. 195.

Question. What is your name, age, and place of residence?

Answer. My name is J. J. Warner; my age is 48 years; my residence the county of San Diego.

Ques. Do you know a place by the name of the Valle de Pamo?

Ans. I do.

Ques. Where is it located?

Ans. In the county of San Diego.

Ques. Do you also know a place well known by the name of San Puscual; if so, where is it located?

Ans. I do; it also is located in the county of San Diego.

Ques. Are those well known places of San Pascual and Valle de Pamo valleys or plains or mountains?

Ans. San Pascual is an Indian village, located in a valley, through which runs the river of San Diegito. The name is also applied to a considerable extensive tract of land embraced in this valley, and lying about the Indian village. The name is also applied to a mountain, over which the road passes from San Pascual to the Rio Colorado. Valle de Pamo is an elevated valley or plain on the east side of the mountain of San Pascual, and pretty generally surrounded by mountains.

Ques. Does or not the mountain of San Pascual form a natural boundary or division between the valleys of San Pascual and valle de Pamo?

Ans. It does form a very prominent boundary and division.

Ques. Where on the summit of this mountain can you or not see the valley of San Pascual on the one side and the valley of Pamo on the other?

Ans. They can be seen.

Ques. In what direction do the mountains and valley of San Pascual lie from the valle de Pamo?

Ans. On the west.

Ques. How long has it been since you have been acquainted with these two valleys?

Ans. From July, 1844.

Ques. Do you or not know a place well known by the name of Santa Ysabela; and if so, where is the same located, and what is its extent and character?

Ans. I do know it; it is located in the county of San Diego, on the road spoken of in a previous answer, easterly of the plain of Pamo, where I first knew it in 1844; it was in the occupancy of the mission of San Diego, and had been previously used as a stock and agricultural establishment. There were extensive vineyards and buildings upon it. With regard to its extent, it is a large tract, embracing a number of leagues; I should judge that in the tract which I have known as Santa Ysabel there are about eight leagues. Respecting its topographical features, it is diversified in separate valleys, mountains and hills, the greater portion of which, almost the entire tract, is drained by the brook known by the name of Santa Ysabel, which forms the arroyo of San Diegito, that being its principal source.

Ques. Do you or not know a valley lying within the boundaries of what was generally known as Santa Ysabela, by the name of Ballena?

Ans. I do.

Ques. Do you or not know that the priests of the mission of San Diego, at the time that Santa Ysabela was occupied by the mission, claimed this valle Ballena as belonging to the ranch of Santa Ysabela?

Ans. The minister of the mission of San Diego so informed me in July, 1844.

Ques. In what direction does the Ballena lie from valle de Pamo?

Ans. Easterly. It is a short distance from the lands of the valle de Pamo.

Ques. Do you not know some watering-places or springs of water known by the name of Santa Teresa? If yea, state what are the natural outlets of the waters from these springs.

Ans. I know a tract of country upon which there are springs, which is called Santa Teresa, the waters of which flow off southwesterly, and find their way into the valley of Pamo. It is divided from the Ballena by a slight elevation in the land.

Ques. Has this ridge of land that divides the Ballena from Santa Teresa a well known name; if yea, what name?

Ans. It has a name; it is called "Cuesta de Salvia."

Ques. What is the direction of this ridge, or course of this "Cuesta de Salvia?"

Ans. About north and south.

Ques. Does or not the arroyo that forms the river San Diegito run from Santa Ysabela to the valley of San Pascual, and what direction is it from the valley of "Valle de Pamo."

Ans. It does so run, and is to the north of valle de Pamo.

Ques. Do you or not know if there is any other valley lying between valle de Pamo and this arroyo?

Ans. I don't know of any valley, excepting such as are connected with and naturally form a part of valle de Pamo.

Ques. If such valleys existed, would you or not know it?

Ans. I think so, from having passed many times over the northern portion of this tract of land.

Ques. Do you or not know a place by the name of Cajon de Santa Monica?

Ans. I know a place by that name; it is a tract of country lying to the south of valle de Pamo.

Ques. What is the natural boundary or separation between this Cajon and Santa Monica? if yea, state what it is?

Ans. The Cajon is much lower than Pamo. The mountain which separates them being very rocky, but few passes exist, and are hard to get over.

Ques. Do you or not know if there is a deep cañada running through this range of mountains? if so, state its extent and character, and where it has its head.

Ans. There is a cañada running from the southwesterly part of the tract of Pamo, in a southerly direction, into the Cajon de Santa Monica, which cañada for its greater extent is impassable.

Ques. Do you or not know by what name this cañada is generally known?

Ans. I am not positive, but think the residents in the valle de Pamo know it as the Cañada de Santa Monica.

Ques. Look at the map in the transcript in this case, and state whether you recognise it as a correct map or not of the place called "Valle de Pamo?"

Ans. I think there would be no difficulty in recognising it as a map of that tract of land.

Ques. Does or does not the tract of land delineated upon the map lie within the natural objects which you have described, and are those natural objects well known or not by those living in the vicinity and acquainted with the said land? and if so, how long have they been thus known and recognised?

Ans. It does lie within those objects, and which I think are well known to those living in the vicinity; they have been thus known and recognised ever since I have been acquainted with that lo-

Ans. It does form a very prominent boundary and division.

Ques. Where on the summit of this mountain can you or not see the valley of San Pascual on the one side and the valley of Pamo on the other?

Ans. They can be seen.

Ques. In what direction do the mountains and valley of San Pascual lie from the valle de Pamo?

Ans. On the west.

Ques. How long has it been since you have been acquainted with these two valleys?

Ans. From July, 1844.

Ques. Do you or not know a place well known by the name of Santa Ysabela; and if so, where is the same located, and what is its extent and character?

Ans. I do know it; it is located in the county of San Diego, on the road spoken of in a previous answer, easterly of the plain of Pamo, where I first knew it in 1844; it was in the occupancy of the mission of San Diego, and had been previously used as a stock and agricultural establishment. There were extensive vineyards and buildings upon it. With regard to its extent, it is a large tract, embracing a number of leagues; I should judge that in the tract which I have known as Santa Ysabel there are about eight leagues. Respecting its topographical features, it is diversified in separate valleys, mountains and hills, the greater portion of which, almost the entire tract, is drained by the brook known by the name of Santa Ysabel, which forms the arroyo of San Diegito, that being its principal source.

Ques. Do you or not know a valley lying within the boundaries of what was generally known as Santa Ysabela, by the name of Ballena?

Ans. I do.

Ques. Do you or not know that the priests of the mission of San Diego, at the time that Santa Ysabela was occupied by the mission, claimed this valle Ballena as belonging to the ranch of Santa Ysabela?

Ans. The minister of the mission of San Diego so informed me in July, 1844.

Ques. In what direction does the Ballena lie from valle de Pamo?

Ans. Easterly. It is a short distance from the lands of the valle de Pamo.

Ques. Do you not know some watering-places or springs of water known by the name of Santa Teresa? If yea, state what are the natural outlets of the waters from these springs.

Ans. I know a tract of country upon which there are springs, which is called Santa Teresa, the waters of which flow off southwesterly, and find their way into the valley of Pamo. It is divided from the Ballena by a slight elevation in the land.

Ques. Has this ridge of land that divides the Ballena from Santa Teresa a well known name; if yea, what name?

Ans. It has a name; it is called "Cuesta de Salvia."

Ques. What is the direction of this ridge, or course of this "Cuesta de Salvia?"

Ans. About north and south.

Ques. Does or not the arroyo that forms the river San Diegito run from Santa Ysabela to the valley of San Pascual, and what direction is it from the valley of "Valle de Pamo."

Ans. It does so run, and is to the north of valle de Pamo.

Ques. Do you or not know if there is any other valley lying between valle de Pamo and this arroyo?

Ans. I don't know of any valley, excepting such as are connected with and naturally form a part of valle de Pamo.

Ques. If such valleys existed, would you or not know it?

Ans. I think so, from having passed many times over the northern portion of this tract of land.

Ques. Do you or not know a place by the name of Cajon de Santa Monica?

Ans. I know a place by that name; it is a tract of country lying to the south of valle de Pamo.

Ques. What is the natural boundary or separation between this Cajon and Santa Monica? if yea, state what it is?

Ans. The Cajon is much lower than Pamo. The mountain which separates them being very rocky, but few passes exist, and are hard to get over.

Ques. Do you or not know if there is a deep cañada running through this range of mountains? if so, state its extent and character, and where it has its head.

Ans. There is a cañada running from the southwesterly part of the tract of Pamo, in a southerly direction, into the Cajon de Santa Monica, which cañada for its greater extent is impassable.

Ques. Do you or not know by what name this cañada is generally known?

Ans. I am not positive, but think the residents in the valle de Pamo know it as the Cañada de Santa Monica.

Ques. Look at the map in the transcript in this case, and state whether you recognise it as a correct map or not of the place called "Valle de Pamo?"

Ans. I think there would be no difficulty in recognising it as a map of that tract of land.

Ques. Does or does not the tract of land delineated upon the map lie within the natural objects which you have described, and are those natural objects well known or not by those living in the vicinity and acquainted with the said land? and if so, how long have they been thus known and recognised?

Ans. It does lie within those objects, and which I think are well known to those living in the vicinity; they have been thus known and recognised ever since I have been acquainted with that lo-

cality, and I believe were names long previously applied to those places; my personal knowledge goes back no further than 1844.

Cross-examined by U. S. Attorney.

Ques. What is the extent of the valle de Pamo, of which you have spoken?

Ans. From east to west, I should judge about seven miles; from north to south about six miles, its outlines being quite irregular.

Ques. What is the distance from Santa Ysabela to the pueblo of San Pascual?

Ans. From the exterior limits of Santa Ysabela, on the west, to the pueblo of San Pascual, is about twelve miles, perhaps a little less.

Ques. What is the distance from the pueblo of San Pascual to the Cajon de Santa Monica?

Ans. About ten miles—that is, about ten miles to its exterior limits.

Ques. What is the distance from Sta. Ysabela to the cajon of Santa Monica?

Ans. About ten miles, to its nearest point.

Ques. Does any person or persons now reside on the place known by the name of Valle de Pamo? if yea, state their names and length of residence.

Ans. There was a person residing there a few weeks since, a native of Sonora. He has not resided there long, and I have forgotten his name.

Ques. Do you or not know whether José Joaquin Ortega or Edward Stokes ever lived upon it, and occupied the place of the Valle de Pamo? and if yea, state what you know in relation to such residence and occupation?

Ans. José Joaquin Ortega was there residing in the summer of 1844. I saw him engaged there in havesting wheat; from which time to the death of Stokes, about the year 1846, it was occupied with horses and cattle, to the number of more than one thousand, belonging to them; a house was built upon it about the year 1844, in which has resided an overseer most of the time to the present day.

Ques. Where does José Joaquin Ortega now reside?

Ans. At the rancho of Santa Marguerita, county of San Diego, where I think he has resided about a year.

Ques. Where has Ortega resided since 1846?

Ans. He has resided in various localities, within and without the county of San Diego, and part of the time at the Valle de Pamo.

Ques. In what year did Ortega live on the ranch of Valle de Pamo?

Ans. Part of the years 1844 and 1845.

Examination in chief resumed.

Ques. What is the distance from the exterior westerly limits of Santa Ysabela to the San Pascual mountains, that separates the valley of San Pascual from the valley of Valle de Pamo?

Ans. I think about six or seven miles.

Ques. What is the distance from the western limits of Santa Ysabela to the head of the cañada that runs from the Valle de Pamo through the mountains, into the valley known as the Cajon de Santa Monica?

Ans. About seven miles.

Ques. What is the distance from the head of this cañada to the mountain of San Pascual?

Ans. About three miles.

Cross-examination resumed.

Ques. What is the length of the cañada that runs from the Valle de Pamo through the mountains, into the valley known as the Cajon de Santa Monica, before mentioned to you?

Ans. About ten miles.

J. J. WARNER.

Sworn to and subscribed, this 15th day of Feb'y, 1856, before me.

C. E. CARR, *U. S. Com'r.*

Filed, Feb'y 15th, 1856.

Motion and Affidavit for continuance.

United States District Court for the southern district of California.

José J. Ortega et al., Appellees, ads. / The United States, Appellant. } For the confirmation of the rancho "Balle de Pamo."

Now this day comes Myron Norton, one of the attorneys of record in this cause, and moves the court to grant a continuance of the case until the next term of the court, for the reasons set forth in the affidavit hereunto annexed.

MYRON NORTON, *Attorney.*

Personally appeared before me W. C. Ferrell, and being duly sworn, deposeth and says, that he is now interested in the ranch of Balle de Pamo, situated in San Diego, as mortgagee; that the claim for said ranch of José Joaquin Ortega et al. was rejected by U. S. district court for the southern district of California, on the 4th of this present month; not, as the court says in its opinion, for any want of proof as to the genuineness of the title to said ranch, but for want of sufficient proof as to its locality and proper boundaries; that the court aforesaid on the 5th of this present month re-opened the case, and granted a new trial. The affiant further says, that he believes that abundant evidence does exist and can be obtained, to

prove the locality and proper boundaries of said ranch of Balle de Pamo, as called for in the title-deed; that since the re-opening of this case, a good deal of testimony has already been taken before the commissioner to establish these points, but that most of the witnesses reside in the county of San Diego, and that it has been and will be impossible to procure their attendance during this term of the court, but that the evidence of said witnesses can be obtained before the next term.

W. C. FERRELL.

Sworn to and subscribed before me, this 27th day of Feb'y, 1856.

C. E. CARR, *U. S. Com'r.*

Filed, Feb'y 27th, 1856.

C. E. CARR, *Cl'k.*

Order for Translation.

U. S. District Court.

J. J. ORTEGA et al., Appellants,
vs.
THE UNITED STATES, Appellees.
} Case No. 195.

Please make a translation of original title in this case (pages 23 and 24 of the transcript) and file the same as of the day the case was submitted.

MYRON NORTON,
One of the Appellants' Attorneys.

C. E. CARR, *Clerk, &c.*

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In the District Court of the United States for the southern district of California.

JOSÉ JOAQUIN ORTEGA et al., Appellants,
vs.
THE UNITED STATES, Appellees.
} Case No. 195.—"Valle de Pamo."

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Deposition of William H. Leighton.

JOSÉ JOAQUIN ORTEGA et al., Appellants,
vs.
THE UNITED STATES, Appellees. } Case No. 195.

Deposition of William H. Leighton, taken before C. Sims, United States commissioner for the district of California, at the United States court-house in the city of Los Angeles, on the 16th day of March, A. D. 1857, at 1 o'clock p. m. on said day, on behalf of the appellants, by the agreement of the parties, to be used as testimony in a certain cause now pending in the U. S. dist. court for the southern district of California, being case No. 195 on the docket of said court, wherein José Joaquin Ortega et al. are appellants, and the United States appellees.

Present, Agustin Olvera, attorney in behalf of the appellants; and C. E. Thom present in behalf of appellees.

Question by the Att'y of Appellants.—Direct Examination.

Ques. What is your name, age, and place of residence?

Ans. My name is William H. Leighton; I am 28 years of age; and reside in San Diego.

Ques. What is your profession and actual occupation?

Ans. I am civil engineer.

Ques. Are you in the employment of the county of San Diego?

Ans. I have been acting at different periods in the last year as the county surveyor of San Diego county.

Ques. Do you know any place distinguished or known by the name of "Santa Maria" or "Valle de Pamo?" and if so, state where it is situated.

Ans. I know a place or rancho called "Santa Maria;" it is situated in a direction about northeast of the town of San Diego, in the county of San Diego, distant about 30 miles.

Quest. Do you know this ranch practically by passing over it, or by travelling along the public road?

Ans. I know it by having made a survey of it, as acting county surveyor of San Diego county.

Ques. Do you know besides this ranch any other ranch in San Diego county by the same name?

Ans. I do not.

Ques. Do you know from your own knowledge the lines of the ranch "Santa Maria," or "Valle de Pamo?" and if so, give its boundaries or lines.

Ans. I do know the lines; I ran the lines in accordance with the calls of the grant as given me by Don José Joaquin Ortega, and also in accordance with the testimony of one William Williams, who was said to be present when juridical possession was given; (I did this at the request of José Joaquin Ortega;) accordingly I commenced at a spot, "Duras Nito," situated in the Valle de Pamo or Santa Maria, that being the most southern boundary; from there I ran in a direction towards the Lomas de San Vicente, to a tree or more which was pointed out to me as being the object to which they ran when juridical possession was given. The course of this line was north 55° (degrees) east; length six miles 264 feet. From the Lomas de San Vicente I ran in a direction north 10° (degrees) 30 minutes west, to a water-hole called "Santa Teresa," extending the line until I struck the arroyo which forms the river of San Diegnito, which was named in the title as forming the northwest boundary of the ranch; commencing then again at the starting point, "Duras Nito," I ran in a direction south 35° (degrees) east, passing the summit of San Pascual hills, until I again intersected the arroyo, which completed the lines of the ranch. This plan I state to be a correct plot of survey, as made by me at that time, of the ranch "Santa Maria" or "Valle de Pamo," and marked A. and C. S.

Ques. Is the plan or plot of the tract of land hereunto annexed and marked A. and C. S. the same that you made when you surveyed the ranch of Santa Maria?

Ans. Yes, as I stated above in my last answer.

Ques. Are the lines that you have described in your answer above, and which are marked out on the plot (annexed to this deposition*ed*, marked A. and C. S.) natural boundaries; and if so, are they *are* easily recognised or distinguished?

Ans. They are, and are easily recognised and distinguished.

Ques. Do you if there is a place included within the lines that you have described called "Aguage de Santa Teresa?"

Ans. I do.

Ques. What is the area of the ranch of Santa Maria or Valle de Pamo?

Ans. A little more than six square leagues.

(C. E. Thom, acting dist. att'y, waives any examination.)

WILLIAM H. LEIGHTON.

Sworn to and subscribed before me this 16th day of March, A. D. 1857.

C. SIMS *Com'r.*

I, C. Sims, of the city and county of Los Angeles and State of California, commissioner to take affidavits and bail in civil cases pending in the courts of the United States, and depositions under the acts of Congress approved September 24th, A. D. 1789,

February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of clerk of the United States court of the southern district of California, and by special appointment by the United States circuit court for the State and circuit of California, do hereby certify, that the foregoing deposition of Wm. H. Leighton was taken before me on the 16th day of March, A. D. 1857, according to the agreement of the parties, at the United States district court-house, in the city of Los Angeles and State of California, in behalf of the appellants; that the said Wm. H. Leighton was by me duly sworn, according to law, as a witness in said cause, in the caption of this deposition mentioned, and after being so sworn his testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private seal [L. S.] (having no seal of office) this 16th day of March, A. D. 1857.

C. SIMS,
United States Commissioner.

Filed this 16th March, 1857.

C. SIMS, *Cl'k.*
Pr. J. H. COLEMAN, *Deputy.*

[*For map see original, page* 93.]

Decree.

In the District Court of the United States for the southern district of California, December term, A. D. 1857.

JOSÉ JOAQUIN ORTEGA et al., Appellants, vs. THE UNITED STATES, Appellees. } No. 195.—Valle de Pamo, or Santa Maria.

Transcript from the board of land commissioners No. 332.

This cause coming on to be heard at the term of the court on an appeal from the decision of the United States board of land commissioners to ascertain and settle the private land claims in the State of California, under an act of Congress approved 3d March, 1851, upon a transcript of the proceedings and decision of said board, and the papers and evidence upon which said decision was founded, and the other evidence adduced before this court, and it appearing to the court that said transcript and the notice of appeal have been duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed, that the decision of said board of land commissioners be and the same is hereby reversed, and that the claim of said appellants is good and valid in law, and the same is hereby confirmed to them. The land of which confirmation is hereby made is known by the